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THE
PAROLE AND DOCUMENTARY

EVIDENCE,

DELIVERED BEFORE A

COMMITTEE

OF THE

HOUSE OF REPRESENTATIVES,

APPOINTED TO INQUIRE INTO THE CONDUCT

OF THE

GOVERNOR

(William Findley)

OF THE

COMMONWEALTH OF PENNSYLVANIA.

PRINTED AND PUBLISHED

BY ORDER OF THE

HOUSE OF REPRESENTATIVES.

J. WYETH—PRINTER.

F153

F49

In the House of Representatives.

January 31, 1820.

Resolved, That one thousand copies of the Testimony of the witnesses, taken by the committee to investigate the charges against the Governor, together with the documents accompanying the same, be printed under the direction of the committee of inquiry, for the use of the members of the Legislature.

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THE HISTORY OF THE

ROYAL NAVY

FROM THE EARLIEST PERIODS TO THE PRESENT

BY

ADMIRAL LORD BRADSHAW

OF GREAT BRITAIN

AND

ADMIRAL LORD BRADSHAW

OF GREAT BRITAIN

AND

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ADMIRAL LORD BRADSHAW

OF GREAT BRITAIN

TESTIMONY, &c.

J. W. Adams
In the House of Representatives of the Commonwealth of Pennsylvania, December 8th, 1819.

MR. RANDALL, presented the following Petition.

To the Members of the House of Representatives of Pennsylvania, in General Assembly met; the petition of the subscribers, citizens of the said Commonwealth,

RESPECTFULLY REPRESENT :—

THAT the patronage of the Chief Magistrate of this state, is greater and more uncontrolled than that of any other executive officer in the United States.

That the greater the patronage, and the less it is under control, the more necessary it is that the officer in whose hands it is deposited should be above all suspicion of corruption.

That many charges have been publicly made against the present Governor; among these, are the having made appointments from corrupt motives and to attain private pecuniary aid for himself and family, rather than to advance the public weal.

That these charges thus made, supported as they have been by the names of respectable persons, and by a detailed account of times and places, have made such an impression on the public mind as to call for an inquiry into the conduct of the Governor.

It is alleged that the Governor of this Commonwealth, knowingly saddled offices with sinecures :—has attempted to borrow large sums of money from applicants for office :—and has borrowed large sums of money from the officers of his own appointment and their relations, as well for his own use as the use of other members of his family. These allegations are of so serious a nature, and if true, so vitally affect the purity of motive and integrity of conduct of the Chief Magistrate, as to render him totally unworthy of public confidence.

If he be innocent, we wish his innocence to be made manifest, and if he be guilty, we think it due to justice and the best interests

of the Commonwealth, that his guilt be established by incontrovertible evidence.

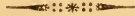
Your petitioners are the more anxious that an inquiry be instituted, because at the next general election, a Governor is to be elected by the freemen of Pennsylvania, and it is, we respectfully suggest, their right to know, and the duty of their representatives strictly, but impartially to inquire into, the conduct of the Governor of the Commonwealth.

A compliance with the prayer of this petition will not only gratify the subscribers, but be satisfactory to the people of Pennsylvania.

And said petition was read, and referred to Messrs. Randall, Middleswarth, Wilkins, Dimmick, Brewster, Hunt and Todd.

DECEMBER 10th, 1819.

RESOLVED, That the said Committee be authorised to send for persons, books and papers.



Correspondence of the Committee.

Harrisburg, December 11th, 1819.

GENTLEMEN,

A petition was presented on the 8th instant, to the House of Representatives of this Commonwealth, praying that an inquiry may be instituted into the conduct of the Governor, which petition was referred to a committee, with power to send for persons, books and papers.

I am instructed by that committee to inform you, that they are now organised and ready to proceed in the execution of the duties assigned to them, and that you will forward to the committee on or before the 20th instant, a list of the witnesses whose attendance is required, with the places of their residences, as nearly as they can be reasonably ascertained, and that at the same time you will forward a state-

ment of the charges proposed to be exhibited by you against the Governor.

I remain, gentlemen,
with due respect,

JOSIAH RANDALL, Chairman
of the said Committee.

George Bartram, Esq. and others, Petitioners.

Harrisburg, 14th December, 1819.

SIR,

On the 8th instant a petition was presented praying that an inquiry may be instituted into the conduct of your excellency the Governor of this commonwealth, which petition was referred to a committee, with authority to send for persons, books and papers.

I am directed by that committee to inform you of their appointment; that they are now ready to receive any communication from your Excellency upon the subject of that inquiry, and that due notice of the future proceedings of that committee will be given to you.

I remain sir,
With due respect,

JOSIAH RANDALL, Chairman
of the Committee to Inquire, &c.

His Excellency W^M. FINDLAY, }
Governor of the Commonwealth }
of Pennsylvania. }

Harrisburg December 18th, 1819.

SIR,

I have received your letter dated the 14th instant, written by direction of the committee of the House of Representatives, appointed to enquire into my conduct, informing me that the committee are ready to receive any communication from me on the subject of the inquiry.

I can have no objection to an inquiry into my official conduct, and shall always be ready to meet any accusations that may be made against it, whether they originate in personal disappointment and malignity or a desire to promote the public good; but in the present state of the proceedings on the subject of the inquiry,

as far as I am informed of them, I do not perceive that I have any communication to make to the committee.

I am respectfully,

WILLIAM FINDLAY.

JOSIAH RANDALL, Esq. }
 Chairman of the Committee }
 of Inquiry, &c. }

*To Josiah Randall, Esq. Chairman of the Committee of Inquiry,
 &c.*

SIR,

A letter addressed by you, to George Bartman and others, petitioners, &c. having been laid before a meeting of subscribers to the petition, praying for an inquiry into the conduct of the Governor of this commonwealth, they have requested us to forward to you the following charges and list of witnesses. We are also instructed to assure the committee, that if there be any informality in the manner of presenting, or irregularity in the form of arranging the charges, the informality or irregularity, be it what it may, has arisen from any cause rather than a desire to be ambiguous, or a want of respect for you, the committee, or the House of Representatives. We are further instructed to state that the petitioners have heard of various other acts of misconduct on the part of the Governor; but they are not sufficiently acquainted with the facts to mould them into charges; they therefore hope that the committee will consider the petitioners as reserving to themselves the right to present other charges, if the testimony before the committee, or a more intimate knowledge of the facts shall warrant them in so doing: the petitioners also wish to reserve the right to call other witnesses than those named; if others shall be deemed necessary to substantiate the charges, which are now, or may hereafter be adduced. We are desired to enquire, whether it is considered a matter of right, or an indulgence, for the petitioners to be represented during the examination of witnesses, &c. before the committee?

We are sir,

Very respectfully, yours, &c.

JOHN THOMPSON.

PETER CHRISTIAN.

JOSIAH RANDALL, Esq. Chairman, &c. &c.

N. B.—The petitioners request to know whether the evidence oral and written which was laid before the committee of inquiry appointed in the case of Thomas Sergeant, by the House of Representatives at the last session, and printed by order of the House of Representatives, will or will not be admissible as evidence before the committee of which you are chairman? An answer to

this inquiry is respectfully requested as early as possible, as upon that answer must depend the necessity of their requesting other witnesses to be called.

CHARGES against His Excellency WILLIAM FINDLAY, Governor of Pennsylvania.

I. That the said Governor has on various occasions, corruptly exercised his official duties, for the purpose of advancing his own private interests, rather than promoting the general welfare.

II. That he has misused the patronage of his office to obtain pecuniary advantages for himself, family and friends, from applicants for offices, in the gift of the Governor.

III. That he withheld the commissions for the office of auctioneer, in the city of Philadelphia, until he had ascertained, in answer to enquiries, made with his knowledge by the secretary of the commonwealth, which of the applicants would consent to accept a commission burthened with a large sinecure; and that having ascertained which of them would accept a commission so burthened, the Governor immediately caused notices to be sent and soon after the commissions to issue; one of these notices and commissions being in favor of said applicant.

IV. That the Governor has abused and misused his official patronage, by subjecting himself to personal obligations to various officers of his own appointment, by borrowing money, by endorsements and acceptances to a very large amount, for his own use and that of his family; and that thus made subject to them he could not feel freedom, nor, in the words of the constitution of Pennsylvania, has he taken "care that the laws be faithfully executed."

V. That the Governor made an arrangement with an auctioneer, to take a certain person as clerk at a given salary, and subsequently relieved said auctioneer from taking said clerk, and other official embarrassments in consequence of the said auctioneer and his family having advanced, and obtained loans of large sums of money for the use of the said Governor of the commonwealth.

VI. That the Governor accepted the resignation of a person as an auctioneer, and forthwith appointed another person named by the individual who resigned, to the said office, he (the Governor) knowing and being privy to the fact, that the individual so resigning was to receive a certain sum or sums of money, at stated times, from the individual who was appointed in his place, the Governor thus countenancing the bargain and sale of the office and burthening the officer with the payment of a pension.

VII. That the Governor withheld a commission until he had ascertained whether the applicant could produce a certain religious certificate, contrary to and in violation of the rights of conscience and the constitution of Pennsylvania, which declares, that “no person, who acknowledges the being of a God, and a future state of rewards and punishments, shall on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.”

VIII. That the Governor corruptly issued a commission on the express condition that the person therein named, should from time to time, pay over a certain portion of the fees to another person, to whom the Governor was under pecuniary obligations.

A LIST of the witnesses required to prove the above charges.

Charles Bird, 98 Market-street.
 John Humes, auctioneer, Walnut near 7th street.
 John Lisle, auctioneer, Washington square.
 John Steel, auctioneer, Market between 4th and 5th streets.
 James Humes, city of Lancaster.
 The President and Cashier of the Farmers Bank, Lancaster.
 Robert Taylor, auctioneer, 206 Arch-street.
 Thomas Passmore, auctioneer, 32 South-Front-street.
 John Conrad, 206 North-Sixth-street.
 James Graham, 4 Eleventh-street.
 Mrs. A. Wilson, 279 Walnut-street.
 John Jennings, 107 South-Fourth-street.
 William Hawkes, 2 Norris's Alley.
 Caleb Earle, 269 South-Front-street.
 John F. Lewis, 124 South-Third street.
 Dr. S. Jackson, North-Fourth-street, near Arch.
 Thomas Amies, P. M. Lower Merriion, Montgomery county.
 Hon. Samuel D. Franks, Harrisburg.
 Dr. David Petriken, }
 George A. Frick, } Danville, Columbia county.
 Redmond Conyngham, Luzerne county.

And that they and each of them be required to take with them all books, papers, notes or drafts which can give the committee information touching the above charges against Governor Findlay.

Harrisburgh, December 22d, 1819.

SIR,

In pursuance of the directions of the committee appointed on the 8th inst. by the House of Representatives on the petition of George Bartram, and others, I enclose your excellency a copy of a communication signed by John Thompson and Peter Christian, laid before the committee.

I am also directed to inform your excellency that you will receive notice of the time of commencing the examination of testimony upon the charges, that upon the examination you will have the right of being represented by counsel, and will be furnished with subpoenas for any witnesses whose attendance you may desire, and that the subpoenas for the witnesses of the petitioners are made returnable before the committee on the 5th day of January next, at 3 o'clock P. M. at this place.

I remain, Sir,

With due respect,

JOSIAH RANDALL, Chairman
of the Committee to inquire, &c.

His Excellency, **W. M. FINDLAY**,
Governor of the Commonwealth
of Pennsylvania

Harrisburgh, December 22d, 1819,

GENTLEMEN,

I am directed by the committee of the House of Representatives, appointed on the 8th inst. to inquire into the conduct of the Governor of the Commonwealth, through you, to inform the petitioners that the subpoenas for the witnesses are made returnable on the 5th day of January next, at 3 o'clock P. M. at this place; that the testimony taken in the case of Thomas Seargeant, late secretary of the commonwealth, cannot be received in evidence before this committee; that the petitioners are at liberty to adduce other witnesses than those named in the list furnished by you in your communication received on the 20th inst. and that during the inquiry the petitioners may be represented by counsel.

I am also directed by that committee to inform the petitioners, that the inquiry will be confined to the official conduct of the Governor, and that without wishing to impose restrictions upon this important investigation, the committee would be glad to have the charges made as specific as convenient, by giving the dates and names of those concerned, and the places of the transactions, in order that the committee may have some rule or limits by which to be governed in the examination of a vast number of witnesses. Such a designation of facts would be a convenience to all concerned and would greatly facilitate the enquiry.

I am, Gentlemen,

With due respect,

JOSIAH RANDALL, Chairman
of the Committee to inquire, &c.

JOHN THOMPSON & PETER CHRISTIAN, Esqrs.
Philadelphia.

To Josiah Randal!, Esq. Chairman of the Committee of Inquiry, &c.

Philadelphia, Dec. 31, 1819.

SIR,

Your letter dated the 22d inst. was duly received and laid before a public meeting of the petitioners, to whom we regard it as addressed. They have instructed us, through you, to lay their opinions before the committee of inquiry. When they signed the petition to the House of Representatives praying for an Inquiry, they did that which the constitution of the state secures to them, as a right: believing then, as they do now, that the terms of the petition were mild and respectful, they did not suppose that signing it would impose upon them the necessity of specifying in detail, those acts of the Governor, which they might regard as violations of duty and of the constitution. If they had so believed they might have hesitated between their duty to their country and their duty to their families. It was supposed by the petitioners, that when the House of Representatives thought proper to refer the petition to a committee, that that reference was evidence that the House considered that in the petition itself there were allegations and charges against the Governor which demanded an inquiry, and that all which would be required of the petitioners would be to furnish a list of the witnesses who in their judgment would prove the charges adduced. These opinions of the petitioners may be, but they hope they are not, founded in error. They are now stated, not in the form of complaint, but to account for the incorrectness or inaccuracy which has induced the committee to express a wish for more precise specifications.—The promptitude with which a former public meeting of the petitioners, had charges and a list of witnesses made out and transmitted is, we trust, satisfactory evidence to the committee of their willingness, as far as in their power, to meet the wishes and abridge the labours of the committee.

The committee of inquiry are aware how exceedingly difficult it is, in most cases until after examinations have been had on oath or affirmation, to ascertain distinctly the time when, the place where, or the persons by whom, a particular act, had been committed. This difficulty it must be obvious, not only increases with the magnitude of the offence, but with the exalted station of the accused. It is on these principles, that grand juries, authorised as they are, are content with evidence on one side; evidence which would fall far short of that which would be required to convict before a petit jury. These principles and considerations will suggest to the committee the great difficulty a body of petitioners, *without authority* must have correctly to ascertain and commit to paper, minute specifications of those acts of misconduct, which are charged, and which, they believe, will be proven against the present Governor. These facts and circumstances are now alledged to show the impossibility, not the unwillingness, of the petitioners to go into a detail of the “dates, names of those concerned, and the places of the transac-

tions" alluded to in our letter of the 17th instant. Among the difficulties which surround the petitioners in their efforts to comply with the wish of the committee, we are directed to call to recollection, that the very nature of the charges made, implies secrecy and few agents, and as will appear from the list of witnesses, many of those agents have been appointed to office by the accused, and depend upon his will and pleasure for a continuance in those offices.

The petitioners desire that in further illustration of the difficulties, in the midst of which they are placed, we should state a case connected with the present inquiry, and pray that you will in it, do that which right and justice shall require, for their advancement.—The particular case to which the petitioners would now call the attention of the committee is, that of the transactions between Governor Findlay, and the house of Findlay and Vanlear, with applicants for offices to, and the holders of office under, the Governor of Pennsylvania. It is confidently believed, that Governor Findlay, applied to an applicant for a lucrative office, to accept drafts to the amount of \$10,000, for the above house : that he, Governor Findlay, subsequently procured an office holder, or office holders, to accept drafts in favour of that house, to a very large amount ; and that the Governor did this with a knowledge that the house of Findlay and Vanlear were likely to become bankrupt, which they since have done, leaving certain office holders to take up, out of their own funds, the drafts which they had accepted for Findlay and Vanlear, on the recommendation, probably, on the guarantee of Governor Findlay.

For the establishment of many of these facts, the best evidence would be the testimony of Mr. Findlay of Baltimore, and the correspondence, on these subjects, between him and Governor Findlay, and Governor Findlay and the house of Findlay and Vanlear. It will at once be perceived that the petitioners, cannot correctly specify the times, the places, &c. &c. connected with these transactions : They therefore must not only decline the attempt so to do, but they must pray the committee to request the Governor to cause to be produced, or in any other way the committee may think proper, to procure, the necessary testimony on these points which lies out of the state.

The petitioners instruct us to say, that after much reflection, upon the nature of the testimony to be adduced in support of the charges, they cannot but think that the eight charges adduced, are as specific, as, at this time they can be made ; and that if there be any of the charges which do not, to the committee, appear sufficiently specific, it can only be, because the testimony is not before the committee. The petitioners are persuaded that when the evidence is heard and applied, the committee will see the bearing of the charges in as clear, strong, and satisfactory a point of light, as they are now seen by the petitioners. As the committee have determined "That the inquiry will be confined to the official conduct of the Governor," the petitioners do not presume to doubt but that that determination is correct ; they would however remark, that the line between official and unofficial conduct is so narrow, obscure, and undefined, that

they often lose sight of it. This however, is not the only difficulty which is raised by this embarrassing regulation. The petitioners fully believe, that private acts may constitute the essence of official misconduct ; and they have no doubt, but private acts may without constituting official misconduct, be of such a character as to disqualify the individual who should commit them from holding any office of honour, trust, or profit ; much less an office of great patronage, and holding forth great temptations. These circumstances excite apprehensions in the minds of the petitioners, as to the possible rejection, by the committee, of testimony, which to the petitioners, appears sufficient to convict the accused of the charges alledged. The limitation or latitude to be given to this inquiry, the nature of the testimony to be received, and its application to the Governor's conduct, official or unofficial, are among the high duties which the committee are appointed to discharge : and which, we confidently hope, they will discharge with honor to themselves, and advantage to their country.

It is the wish of the petitioners, and of the subscribers, to do every thing in their power, to give to the committee, and to the House of Representatives the most convincing proofs of the disposition they have, by all the means in their power, to facilitate the business of the committee. Among the witnesses are some of the subscribers to the petition, who leave their homes and their business with regret, and at much inconvenience and loss ; they therefore are exceedingly anxious to return. It is hoped and believed that the time which will be consumed and the expense incurred in this inquiry will be much less than is apprehended ; and the result it is thought, cannot but be advantageous to the commonwealth. If the petitioners shall be so greatly mistaken, or the facts shall to them have been so greatly misrepresented, that the Governor of the state is really not guilty of the charges alledged, a full and fair enquiry will clear away the foul suspicions and apprehensions entertained by a large portion of the community. If on the other hand, their fears and beliefs are well founded, and the facts are, as they have been stated, it is surely but an act of justice to the people of Pennsylvania, that the guilt of the governor should be made so clear and convincing, that public confidence should no longer be reposed, where it has been so greatly abused. In either case it is hoped, that the labours of the committee, the time consumed, and the expense incurred, will all have been constitutionally and profitably devoted to attain the great objects sought—justice ; and the promotion of the general welfare.

We are, Sir,

Respectfully yours, &c. &c.

JOHN THOMPSON,
PETER CHRISTIAN

To JOSIAH RANDALL, Esq.
Chairman, &c.

Harrisburgh, January 5th, 1820.

SIR, I am directed by the committee appointed on the 8th ultimo, to enquire into the conduct of the Governor, to inform your Excellency that the examination of witnesses will commence to-morrow afternoon, at 3 o'clock, in the hall of the House of Representatives.

I remain, Sir,

With due respect,

JOSIAH RANDALL, Chairman
of the committee to inquire, &c.

His Excellency, Wm. FINDLAY,
Governor of the commonwealth of Pennsylvania.

Harrisburgh, January 5th, 1820.

GENTLEMEN,

I am directed by the committee appointed on the 8th ultimo, to inquire into the conduct of the Governor, to inform you, that the examination of witnesses will commence to-morrow afternoon, at 3 o'clock, in the hall of the House of Representatives, and that the request, relative to compelling the attendance of the witnesses, contained in your letter of this date, will be complied with.

I remain, Gentlemen,

With due respect,

JOSIAH RANDALL, Chairman
of the committee to inquire, &c.

Messrs. **JOHN BINNS &
ALEX. S. COXE.**

Harrisburgh, January 6th, 1820.

SIR,

I have received your communication of yesterday, informing that the examination of witnesses will commence at 3 o'clock this day. I have also received yours of the 22d ultimo, enclosing a copy of the charges preferred against my conduct, with an intimation from you that the committee of enquiry are willing to indulge me in appearing before them by counsel. I duly appreciate this indulgence, and should I determine to avail myself of it, will give the committee notice thereof accordingly, but in the mean time I request that the inquiry may not be delayed a moment on that account. As to the charges I shall only remark that they are generally in such vague terms, and public and private transactions are so blended together, as to preclude specific answers. I beg leave,

however, to observe, that although I consider it the duty of a public officer not to surrender his right of refusing to answer charges that have no relation to his official conduct ; yet as I cannot but be conscious that the application for the present inquiry, has for its object peculiar purposes, not contemplated by the constitutional provisions for impeaching and trying public officers, I therefore wave every objection to an inquiry into my private pecuniary transactions alluded to in the charges, which the committee may deem it of importance to be made public on this occasion.

I am, respectfully, Sir,
Yours,

WILLIAM FINDLAY.

To **JOSIAH RANDALL, Esq.**
Chairman of the committee of
inquiry, &c.

Harrisburgh, January 7th, 1820.

SIR,

I beg leave to inform the committee, of which you are chairman, that Samuel Douglas, Esq. will appear before them as counsel for me in the inquiry now pending, and that Amos Ellmaker, Esq. who is now absent, will join him on his return.

With due respect,

WILLIAM FINDLAY

JOSIAH RANDALL, Esq.
Chairman of the committee
of enquiry, &c.

[IN the following report of the testimony, it will appear that many questions, on both sides, were over-ruled by the committee of inquiry, without being accompanied by the reasons which governed the committee. It was not convenient, nor was it thought necessary, for the clerks to insert the reasoning and arguments as they proceeded in taking down the testimony.

In order to explain to the House of Representatives, as briefly as possible, the reasons which induced the committee to over-rule several questions propounded by the counsel of the petitioners, it is thought necessary to state, that those questions may be almost entirely embraced in three classes :—

1st. Those which had for their object, an inquiry into the *private* arrangements, and the confidential *terms* of partnership, between applicants for office, and made with a view to strengthen the claims of particular persons upon the Executive for appointments.

These questions were excluded ; because they were not preceded or accompanied by any evidence to induce the belief, that the Governor had any knowledge of these private arrangements or confidential *terms* of partnership. On the contrary, there was always proof that they were kept from the knowledge of the Governor, and could not have formed inducements to the issuing of commissions. Whether there was, or was not, any thing improper in these arrangements, as regarded the individuals who made them, the committee cannot say. But, they thought it unjust to make the Governor responsible for the acts of others, of which he was entirely ignorant.

2d. Those questions were declared inadmissible, which went into an examination of the private accounts of the Governor *since* his election to office, without, at least, raising the presumption that they were in some way or other, connected with the administration of his office.

3d. The committee also refused to admit questions which had for their object, an inquiry into the private accounts and private transactions of William Findlay, *long before* he was elected Governor of this commonwealth, unless it could be shown that they had some connection with, or bearing upon, his subsequent official conduct.

And lastly, They generally rejected what they believed to be irrelevant matter.

As further elucidating this subject, the House of Representatives is referred to the following paper, which was filed with the minutes of the proceedings of the committee, as their answer to a proposition to pursue a particular course in the examination of John Forster, Esq. who had been subpoenaed and directed to bring with him

certain bank books, showing the accounts, notes and indorsements of William Findlay, some time *prior* to his election as the Governor of this commonwealth.

“The committee over-rule the course which the counsel for the petitioners propose to take, in the examination of Mr. John Forster.

“The proposition of the counsel has *two* objects—*First*, To prove by Mr. Forster, and to travel into a detail of the indorsements, the private arrangements and pecuniary obligations of William Findlay, *long previous to his election* as Governor. *Secondly*, To “*follow up*” this proof with evidence, that Mr. Findlay, subsequent to his election, appointed a third person to office under a specific arrangement that he should divide the fees of his office with the person to whom he (Mr. Findlay) when a private citizen, had been under pecuniary obligations. Thus alledging that, at this moment, they stand prepared, with their testimony, to establish these two distinct allegations—The one occurring *before*, and the other, *subsequent* to the election of Governor Findlay.

“The only restriction which the committee impose on the counsel for the petitioners is, as to the *order* of the testimony.—Let them reverse the order, and proceed with their examination.

“The committee cannot think they violate any rule of justice, or impose any hardship upon the petitioners, when they ask them to pursue this course. They alledge a *readiness to prove both allegations*.—Let that testimony *precede* which they propose shall *follow*.

“The committee will insist upon this course, because, they will not go into an examination of the *private* accounts and the bank concerns of Mr. Findlay, *previous* to his being Governor, without its being first shown that such an examination would be relevant to an accusation of mal-conduct as a Governor.

“The petitioners surely ought to lay some foundation to let in an investigation, at once indelicate, unjust and irrelevant.

“Why speak of private transactions long before Mr. Findlay was Governor, without there is, at least, some suspicion first raised, that they were connected with a corrupt administration of his office ?

“The committee would feel the more reluctance in enforcing their ideas of the proper order of evidence, did they not perceive an explicit acknowledgement that the order they now prescribe was equally convenient to the one contended for by the counsel for the petitioners.

“The committee might occupy days in travelling through the books of a bank ; tracing up discounts, notes, indorsements and accounts

of a private citizen, long before he was called to public office ; and at the end of a tedious investigation, an insufficiency of evidence to connect them with the official conduct of the Governor might only prove how much time and labour had been uselessly, if not improperly, wasted.

“First show their applicability, and the committee will spare neither time nor pains in their investigation.

“Let it then be distinctly understood, that the committee do not over-rule the *testimony*, but merely object to its *order of introduction*.”

Many questions asked by the counsel of the Governor were also over-ruled by the committee, wherever it was thought they were irrelevant to the matter of inquiry, or related to the private affairs of the witness, or of third persons.]

JANUARY 6, 1820.

Counsel for the Petitioners,

**ALEXANDER S. COXE, and
JOHN BINNS.**

Counsel for the Governor.

**SAMUEL DOUGLAS, and
GEORGE M DALLAS.**

THE charges against the governor were read.

CHARLES BIRD, affirmed.

I have no knowlege of any of the facts connected with the charges—I have no knowlege of any misconduct on the part of the Governor, either as he is charged, or otherwise.

Discharged.

WILLIAM JENKINS, President of the Farmer's Bank of Lancaster, sworn.

I have no knowlege of any circumstances connected with the charges, nor of any corrupt act on the part of the Governor of this State.

Discharged.

JACOB EBERMAN, *Cashier, affirmed.*

I have no knowledge of any facts connected with the charges just read, nor of any other acts of misconduct, on the part of the Governor.

Discharged.

RICHARD BACHE, *sworn.*

COXE. Did you receive a letter from Thomas Sergeant in 16th. March, 1818 ?

Ans. I do not recollect dates. [Looked at a copy of the letter in the journal of 1818—19, page 646.] I believe that is a copy of the letter. I do not know that the original is in existence. I will observe that at the last inquiry I left all those letters with the committee, with a request that they would preserve and return them to me ; I have never received them since.

COXE. Did you attend to the matters contained in it ?

Ans. I did.

COXE. Tell us what you did.

Ans. I spoke to Mr. Steel on the subject. He came to my office on the morning I received the letter.

BINNS. Did you, in consequence of the receipt of this letter, make application to any, and if any, how many applicants for the office of auctioneer, to know whether they or any of them would, if commissioned, take Samuel Fox as a clerk, at a salary of \$2000 a year. [Over-ruled at this stage.]

JOHN FOX, *sworn.*

BINNS. Mr. Fox, I want to know, whether you did not come to Harrisburg some time in March 1818, for what purposes you came, and what you did in consequence of so having come ?

Ans. I will state in the first place, that since I came to Harrisburgh, and not before, I have read all the charges as published, and that I know nothing whatever that can, in any degree, implicate the Governor, in any official misconduct, or other misconduct included within those charges, or not in them. Some time immediately after the election of Governor Findlay, and before his inauguration, my brother, Samuel Fox, became an applicant for the office of auctioneer ; recommendations were forwarded to the Governor for him.—Those recommendations were, I believe, all private letters, written by private gentlemen to the Governor ; there was no general recommendation. I applied personally to Mr. Thomas Sergeant, for his assistance to obtain the commission ; he engaged to support the application. I wrote also to the Governor myself on the subject ; this, after his inauguration, after some time elapsed, I cannot say how

long. It was understood, that there was a great number of applicants, and that the Governor wished to get rid of some of them, by their forming partnerships among themselves. In consequence of this, a proposition had been made by my father, to Mr. John Lisle, to form a partnership between my brother and Mr. Lisle; an arrangement of a different nature was however in fact formed, between Mr. Lisle and my brother, in which the understanding was, that my brother should withdraw his application from before the Governor, and if Mr. Lisle should be appointed, that my brother should be the chief clerk in his store, at the same salary that Mr. Wier, at that time, gave to his chief clerk, (I think it was Mr. Wier, some auctioneer however). My brother's application was accordingly withdrawn, after some time, I cannot now speak as to particular dates. It was understood, or said, that Mr. Lisle was not likely to be appointed. In consequence of an unfounded statement having been made by Mr. Jennings, who was also an applicant for the office to the Governor, that Mr. Lisle did not wish the commission, but would be content to be Mr. Jennings' partner, and in consequence of receiving this information, and at the request of my father I repaired to Philadelphia. I there received a confirmation of the story, that Mr. Jennings had so misrepresented this matter to the Governor, I determined then to go to Harrisburg, and if I should find that Mr. Jennings had deceived the Governor as to that matter, that I would use every exertion to prevent the appointment of Mr. Jennings, and to get Mr. Lisle appointed; but that, if I found that the Governor had not been deceived, and that Mr. Lisle had been excluded for other causes, which I could not remove, that I would renew the application for my brother, and endeavor to get him appointed. Whilst in Philadelphia, I learned that it was universally believed, that the Governor had made up his mind as to all the persons, whom he intended to appoint to the office of auctioneer. I came to Harrisburg; I went to see Mr. Sergeant. (I presume I am not to state what Mr. Sergeant said to me.)

BINNS said he ought to proceed, and the chairman of the committee directed him to proceed.

I learned from him, that he had written a letter to Mr. Bache, requesting him to endeavor to form between Mr. Jennings and my brother, Mr. Steel and my brother, Mr. Taylor, or Mr. Wurtz and my brother, such an arrangement as existed between Mr. Lisle and my brother. This was the first knowledge that I had, that Mr. Sergeant had at all interfered as to this matter, in any way, from the time he had become secretary of the commonwealth. I did not think it proper, nor did I entrust to Mr. Sergeant, what my views were; because I knew him to be an active friend to Mr. Jennings; that letter, or the telling me he had written such a letter, was a perfect surprise to me. I was at a loss what to do; I was almost entirely unacquainted with any of those gentlemen, Jennings, Taylor, Steel or Wurtz—had very little personal knowledge of any

of them, though I had occasionally seen them all. I wrote to Philadelphia, to my father, that same evening, I believe, giving him an account of what Mr. Sergeant had done, and intended to wait for an answer from my father, before I proceeded to enforce upon the Governor the matters, which I came about. I went to see the Governor, the morning after my arrival, I think it was ; I found him oppressed, and borne down indeed, by applicants for office. When I was about to depart, (for I did not mention my business to him at that time) the Governor also arose, and I think accompanied me to the door ; but perhaps the conversation commenced in the parlor. He asked me either, when I should leave Harrisburg ; or, what business brought me to Harrisburg ; some question of this sort. I have thought much of this part of my testimony ; when I am certain, I will say so ; when I am uncertain, I will say so. I have a clear recollection, that I told the Governor, that I had come to Harrisburg, upon business respecting the appointment of Mr. Lisle, an auctioneer ; that I told him, that I should wait, before I should press my application upon him at all, or trouble him with it, until Mr. Sergeant received an answer to a letter, he had written to Mr. Bache ; and I think also, but of this I am not quite sure, and until I had received an answer to a letter, that I had written, but of that I am not quite sure, I think I did. In this conversation the Governor seemed to me, at that time, to know, or to suppose, that Mr. Sergeant had endeavored to effect between Mr. Jennings and my brother an arrangement similar to that which existed between Mr. Lisle and my brother ; but I have no recollection that the Governor told me, either directly or indirectly, that he had authorised Mr. Sergeant to write any letter at all, upon the subject. I do not believe he did tell me any such thing. I think it was in the course of this conversation, however, that I found, from what the Governor said to me, that he had been completely deceived by Mr. Jennings, as to the situation of the business between him and Mr. Lisle. I put him in possession of the truth, I think it was at this conversation. When I was examined the last year, I stated, that it was at this time, that the Governor stated to me the substantial contents of the letter. If I am accurately reported, and I think I am, I think that part of the testimony is correctly taken ; when I thought on my testimony afterwards, I was satisfied that I had stated too strongly upon that point, and I begged to be called again ; but I was still unable to bring a perfect recollection of what took place to my mind. When I stated that he communicated to me the substantial contents of the letter, upon recollection and reflection, I think I must have been entirely mistaken, and think that I had mistaken, because I was under the impression, in stating the "substantial contents". I meant to say nothing more, than that the Governor had knowledge that Mr. Sergeant had applied, through Mr. Bache, to endeavor to effect between my brother and Mr. Jennings the same arrangement that existed between Mr. Lisle and my brother. Whether the Governor told it to me, or I mentioned it to him, I have no doubt but that at that time, he had that knowledge ; and, as I be-

lieve, that he did not receive the knowledge from me, but had it before ; no such thing as a sinecure was ever thought of, or dreamt of, by the Governor, so far as I know, nor by me. I did mention to the Governor the inducement, which I had, to wish the appointment to Mr. Lisle, to wit : that my brother was to be his chief clerk ; but I have no recollection, although I may have done it, and think probably I did mention it to him in any other way, than in general terms. The Governor told me to wait, and I left him. This conversation all passed in the entry, and standing at the door with the Governor, perhaps it commenced in the parlor. I still continued to be under the impression, at that time that the Governor had made up his mind, as to all the applicants. I returned to Mr. Sergeant, and desired information from him. The Governor had referred me to Mr. Sergeant. He asked me where I lodged : I told him, with Mr. Sergeant : he told me to converse with him, or that I might talk with him on the subject. Mr. Sergeant, I think, the next day went to see the Governor. Upon his return he said to me to this effect, and I think in these terms, as he came into the room, " Now, to show you how little I know what has been going on about these auctioneers, I have all along thought that Wurtz would be appointed ; now I find he will not." Whether or not it was the same evening, I am not sure ; but I think it probably must have been. Mr. Sergeant received a letter from Mr. Bache ; he showed it to me ; it was very short ; it was substantially to this effect.

I have seen Jennings and Steel, they decline the propositions. I have seen neither Taylor nor Wurtz. Mr. Sargeant at that time was lame and it was very difficult for him to get about. Upon his shewing me the letter, he said, I have now tried to do something, and I will do no more ; he told me either that I might take the letter to the Governor, or that I might tell the Governor the substance of it, (at least that is my recollection.) Things then precisely stood as I expected to find them, when I should arrive at Harrisburg. That is, that the Governor had made up his mind as to all the auctioneers. Mr. Jennings being one of them and Mr. Lisle not. I went to see the Governor under these impressions : my recollection is, that I stated substantially to the Governor that Mr. Jennings had declined making any such arrangement : but I don't think the name of any other gentleman as being connected with my brother, was ever spoken of between the Governor and me. I think I had also at that time received a letter from my father, stating that he would have nothing to do with either Mr. Jennings or Mr. Steel ; I am not sure that he mentioned the names of any of the other gentlemen in the letter, or not, I don't recollect, it is likely he did, but he requested me to go on and obtain the appointment for Mr. Lisle, if practicable, and if not, to endeavour to get it for my brother. I then pressed strongly upon the Governor what I conceived to be the improper conduct of Mr. Jennings. The Governor told me, that had it not been for the misrepresentation which Mr. Jennings had made to him, he never would have lost sight of Mr. Lisle, and spoke in strong terms of reprobation of such

conduct, and told me that he would not appoint Mr. Jennings, that he would appoint Mr. Lisle; he said that he had been deceived, I went away from him, I think directly to Mr. Sergeant. I told him that Mr. Jennings would not be appointed; but that Mr. Lisle would. He spoke very strongly against this course, said that Mr. Jennings had had a sort of promise, that he had understood pretty certainly that he would be appointed, and that Mr. Lisle had forfeited his claim by neglecting it, and by suffering it to be understood that there was a partnership between him and Mr. Jennings, or words to that effect: He wanted me to go home and give the matter up, we differed, almost to quarrelling. When I next went to see the Governor, I found the effect of Mr. Sergeant's interference in favor of Mr. Jennings, he had induced the Governor at least, to hesitate, but I learned then, from the Governor, that he never had made up his mind as to all the persons whom he should appoint auctioneers. I pressed the Governor to appoint Mr. Lisle to that vacant place: the Governor mentioned to me the names of the six gentlemen that he intended to appoint. The day but one before the legislature adjourned (I think it was) I learned from Mr. Sergeant that the Governor thought of appointing my brother, and I found, perhaps before that time, that it was a favorite idea of Mr. Sergeant's, that Mr. Jennings should be appointed, and that Mr. Lisle should be his partner, and he all along seemed unwilling that it should take any other course, I went to see the Governor after I received this information from Mr. Sergeant, I think it was he told me that he contemplated to appoint my brother, or had thought so. I opposed this, because I conceived myself bound to obtain the commission for Mr. Lisle, if I could, and I represented to the Governor the matter pretty much in this way, that if, independently of the misrepresentations of Mr. Jennings, he would have appointed Mr. Lisle, that it would be bare justice to restore Mr. Lisle to that situation in which he had been before the misrepresentation had been made.

Committee adjourned until 3 o'clock on Monday afternoon.



MONDAY, January 10th, 1820.

[*Mr. FOX, in Continuation.*]

THIS representation to the Governor by me, was the ground I took with him to obtain the appointment for Mr. Lisle, nor have I any reason to believe, that the Governor was influenced in the appointment of Mr. Lisle, by any consideration

distinct from his respectability, his fitness for the office, and having the misrepresentations of Mr. Jennings removed from his mind. I went to see Mr. Sergeant, and I requested him to second me in getting the appointment for Mr. Lisle; this was very shortly before the close of the session; he at length agreed to do so. The day before the legislature adjourned, I went to the Governor's and was there a great part of the day; in the evening I saw the Governor, he said he intended to make the appointments that night, or rather that he should have the notices made out; I urged upon the Governor the same considerations which I had before, and begged in the first place, that he would appoint Mr. Lisle, or, if that could not be done, that he would appoint my brother. I then left him; I returned again the same evening and learnt either from Mr. Sergeant or the Governor, that the notices were making out and that Mr. Lisle was included.

BINNS. How often were you examined before the committee of inquiry in the case of the secretary of the commonwealth?

Ans. I dont recollect, I think twice, but I am not certain.

BINNS. I wish to know whether after you had been examined as often as you were examined, you made any communication to the committee explanatory of your testimony?

Ans. Yes, I did make a communication to the committee, not explanatory but in addition to my testimony.

BINNS. Previous to your examination before the committee at all, had you made a statement in writing to the secretary of the commonwealth to which you were willing to swear?

Ans. Yes, I did.

BINNS. You stated that after the Governor had had a conversation with you touching the letter of Mr. Sergeant to Mr. Bache, he desired you to wait, what reason did the Governor assign for wishing you to wait?

Ans. None that I recollect of, but that conversation and the circumstances of it had always been somewhat uncertain in my mind. And never until some time after my examination, had I reflected that I at that time had determined not to speak to the Governor upon the subject, until Mr. Sergeant should receive an answer to his letter to Mr. Bache, and I should receive an answer to a letter I had written to my father at Philadelphia. I told the Governor at that time, as I have stated before, that I should not trouble him about my business until Mr. Sergeant should receive an answer from Mr. Bache, and, as I think, until I should get an answer—My recollection as to that conversation is in some parts indistinct. But this is now my

clear impression, that I spoke to the Governor as last mentioned—and that the Governor in some form of words, communicated to my mind, the belief that he knew that Mr. Sergeant had written a letter to Mr. Bache, requesting him to do as I have before stated; the form of words he used or the manner of expression, I cannot tell. I had desired to talk with the Governor on the subject of my business at Harrisburg, but when I was there at his house, after waiting a considerable time and finding him continually engaged, I meant to leave him without saying a word to him on the subject, I got up for that purpose.

BINNS. I wish to know whether Mr. Fox, on his oath, has not heretofore said that the Governor said he must not move until Mr. Sergeant received an answer from Mr. Bache ?

Ans. I wont speak to the form of words, but until I recalled the circumstances of the conversation and the origin of it to my mind, I was under the impression that for some reason or other, the Governor had desired me in that conversation not to move about the business which brought me to Harrisburg, until an answer to that letter should be received.

BINNS. I desire to know whether you, on your oath, have not heretofore said that the Governor said you must not move until Mr. Sergeant received an answer from Mr. Bache ?

Ans. I believe I did substantially say so on my examination before the committee, and I did so for the reasons that I have stated, because I believed it at the time.

WILKINS. Do you recollect whether the same fact was contained in the written statement which you furnished before you were examined on oath ?

Ans. I do not recollect.

BINNS. What was the amount of salary which it was agreed Mr. Lisle should give your brother if he were appointed auctioneer ?

Ans. \$2000. The same salary which some other auctioneer gave to his chief clerk, I think Mr. Wier, though I am not certain.

BINNS. I wish to know if Mr. Fox can positively say whether, when the secretary directed him to take Mr. Bache's answer to the secretary's letter to the Governor, or communicate its contents—which of those things he did ?

Ans. I cannot : but I have no recollection of shewing the Governor the letter.

BINNS. I wish to know, whether the Governor or the secretary communicated to you the information that the notices were made out.

Ans. I rather think it was mentioned by them both, certainly by one, setting very near to each other ;—I don't know which.

BINNS. Was it in the presence of the Governor that the secretary of the commonwealth told you that he wished you to take the notices to the city ?

Ans. Yes.

BINNS. You are a cousin of the late secretary of the commonwealth.

Ans. I am.

BINNS. Do you hold any public appointment under him now ?

Ans. I do.

BINNS. What is it ?

Ans. Deputy attorney for Bucks.

BINNS. Had you any conversation with Mr Jennings or Mr Lisle, touching a partnership arrangement between them, if Mr Jennings should receive the commission of auctioneer, before you came to Harrisburgh ?

Ans. I never had.

BINNS. Upon what authority have you undertaken to say that Mr Jennings had made unfounded statements and misrepresentations to the Governor, touching a partnership arrangement between Jennings and Lisle ?

Ans. I have the authority of judge Barnes and my father, who told me they were authorised by Mr. Lisle to say so. I therefore, could not doubt the fact.

BINNS. I wish to know whether you had any other authority than that of judge Barnes and your father.

Ans. None other than that they communicated it to me upon the authority of Mr. Lisle. I am not sure that judge Barnes did not tell me, I rather think he did ; that from what he had ascertained from Mr. Jennings, he was satisfied Mr. Jennings had made some misrepresentations about this matter ; upon that, however, my recollection is imperfect.

DOUGLAS. Did the Governor state to you in any conversation you had with him, that he would annex conditions to the auctioneers' commissions.

Ans. He did not : on the contrary, in speaking on that subject generally, he said, it is said (or to this effect) that if I appoint Mr. Such-a-one, Mr. A. is to be his partner, if I appoint Mr. B. Mr. C. is to be his partner—But of all this I officially know nothing : And when I give the commission I give it without any qualification or restriction whatever. He spoke particularly as to Mr. Lisle. It was while I was conversing with him on the subject of the appointment of Mr. Lisle, and I understood it clearly as an intimation to me, that if Mr. Lisle were appointed, when it was once done, he had his commission without any restriction or limitation whatever.

DOUGLAS. Did the Governor tell you at any time that he would hold back the commissions for the auctioneers until an answer should be received to Mr. Sergeant's letter from Mr. Bache ?

Ans. He did not. The notices were that the commissions should issue the 1st of April following. The governor had never made up his mind I ascertained from him as to all the persons he would appoint until the day before the adjournment of the legislature. We had all been deceived in that respect.

DOUGLAS. You stated the Governor mentioned six of the applicants whom he intended to appoint. Was Mr. Wurtz one of them ?

Ans. He was not. If I do not mistake, the Governor expressly told me that Mr. Wurtz was altogether out of the question, but I cannot say at what point of time it was.

DOUGLAS. In the conversation you had with the Governor, did he state to you his determination not to appoint Mr. Wurtz as auctioneer before Mr. Wurtz refused to take your brother as clerk, if he were appointed ?

Ans. I cannot speak as to the fact, but certainly before I knew that Mr. Wurtz had been applied to, and so far as I know, before the Governor knew he had been applied to,—I dont know of my own knowledge, that any application ever was made to Mr. Wurtz—but before I knew of any refusal on the part of Mr. Wurtz, I knew that the Governor did not intend to appoint him.

DOUGLAS Did the Governor tell you he would not appoint Mr. Wurtz, before the evening on which you say the notices to the auctioneers were making out ?

Ans. It was before that, that I ascertained it from the Governor. I had heard it previously, though, from Mr. Sergeant. I think so.

DOUGLAS. Is the situation of a first clerk, or stageman in an auctioneer's store considered a sinecure ?

Ans. Certainly not.

DOUGLAS. Do its duties require experience, and are they arduous ?

Ans. I have very little experience, other gentlemen can answer as to these points.

DOUGLAS. Did the Governor or the secretary state to you, that the Governor had any knowledge of the secretary's intention to write to Mr. Bache, or of the Governor's giving any direction respecting the writing of it ?

Ans. As to the Governor, certainly nothing of the kind ; as to the secretary, he did not to my recollection, but he, Mr. Sergeant, spoke of it in this way, he said that Steel or Jennings would do a thing of this sort, to oblige him, at any time : he also did tell me to go and see the Governor, and he would tell me all about it ; I think this was his expression. This conversation between Mr. Sergeant and myself, was carried on in a very low voice in Mr. Harris's parlor, in the presence of other persons. I do not mean to say that Mr. Sergeant said the Governor would tell me all about the letter, or about the general state of the appointments, yet my recollection is not distinct, neither do I know that I affixed any precise idea to the words at the time ; the words, however, I think were those.

DOUGLAS. What did you mean in your testimony, by the expression, that the Governor would include your brother in the appointment of auctioneers ?

Ans. The Governor spoke in very friendly terms of my father, and that he had been in the disposition to appoint my brother before his name had been withdrawn ; not that he was then. The impression on my mind is, that the Governor said, if our application for my brother had been urged in the first instance, that he would have been appointed ; or, perhaps I may have been deceived in the form of expression, and that it alluded to thereafter. If Mr. Lisle had not been appointed, I am satisfied, that my brother would have been ; and if neither of them had been appointed, I am quite satisfied Mr. Wurtz would not have been, from what I learnt from the Governor.

WILKINS. On what day did you arrive in Harrisburgh ?

Ans. I cannot say, but by comparing dates, not now, but heretofore. Mr. Sergeant's letter must have been in Philadelphia before I left the city for Harrisburgh. I think I must have been at Harrisburgh more than a week. I think I was absent from Philadelphia about two weeks.

BINNS, Asked, whether Mr. Fox thinks his recollection is more distinct as to the facts now, than it was last year?

Ans. No, not generally. In my examination last year, I stated, that the Governor told me the substantial contents of the letter; I was not satisfied then, I requested to be called again, and endeavored to bring my mind to a recollection of what did take place. I was satisfied that I had stated it too strongly. I then limited and restricted what I had said down to a particular point. Altho' I never meant to say, that the Governor had used any particular form of words. It did not then occur to me, that at that time, at the time I spoke of, I had made up my own mind, to wait until I should receive an answer from my father. In reflecting upon the subject, that fact occurred to my mind, and brought with it the clear recollection, that when I first spoke with the Governor on the subject, I told him I should not then trouble him with the business which brought me to Harrisburg, but should wait until an answer was received, as I have stated before. It is in this point, and this point only, that I say my recollection is more clear than it was last year. I was much at a loss last year about that conversation, and so mentioned to the committee.

RANDALL. Name the six persons who were mentioned to you by the Governor.

Ans. They were the six who were afterwards appointed, with the exception of Mr. Lisle.

RANDALL. Were the claims of your brother brought into view by the Governor in the purposed appointment of the seventh person?

Ans. Yes, they were, in as much as the Governor purposed to appoint my brother.

RANDALL. Was Mr. Sergeant anxious that Mr. Jennings should be appointed?

Ans. Yes, very. He kept him in, otherwise I am well satisfied he would not have been appointed.

RANDALL. Do you know whether Mr. Sergeant received any letter from Philadelphia, remonstrating against the non-appointment of Mr. Jennings?

Ans. No, I cannot say; he received a letter from Mr. Binns, but upon what subject I cannot say, he never let go of Mr. Jennings, he upheld him all the time.

RANDALL. Do you know whether he received one from Mr. Bache on that subject?

Ans. I do not. I know of no letter received from Mr. Bache, but the one I mentioned.

MIDDLESWARTH. Do you know of any other misconduct on the part of the Governor, besides what is stated in the charges ?

Ans. I do not.

WILKINS. Did the information contained in Mr. Bache's letter, that Mr. Jennings had declined the arrangement with your brother, jeopardize his appointment with the Governor ?

Ans. No, sir. I recollect the Governor said Mr. Jennings was a very selfish man ; but I do not think I ever took that ground with the Governor at all ; I am clear that I communicated to the Governor Mr. Jennings declining to make the arrangement with my brother, and it was in that conversation that he said he would not appoint him.

TODD. Do you know whether the Governor had at that time any knowledge of the specific sum that was to be given to Mr. Fox ?

Ans. I cannot say whether it was then or afterwards that he had a knowledge of the fact.

I certainly had no thought of concealing it from him, I considered that my brother was to have a fair compensation for his services : I really do not now recollect whether I told the Governor the specific sum or not.

There is one other fact that occurs to my mind, I therefore think it right to mention it : I think after my first conversation with the Governor, in speaking of Mr. Lisle, he said to this effect, It seems that Mr. Lisle has some entanglements ; having taken partners or agreed to take partners, if he should be appointed, that he would rather be rid of ; my recollection goes no further, the idea conveyed to me I recollect.

WILKINS. What reason did the Governor give for saying that he would not appoint Mr. Jennings ?

Ans. I went on and stated to the Governor the conduct of Mr. Jennings to Mr. Lisle, I put it in as strong a point of view, as I could. I cannot say that my opposition had any influence with the Governor, I had a fact to state, and did press the fact of Mr. Jennings' misrepresentation.

WILKINS. When was it afterwards that the Governor changed his opinion and determined to appoint Mr. Jennings ?

Ans. After Mr. Sergeant had been with him, he undid all I had done, about Mr Jennings.

WILKINS. When was the arrangement made between Mr. Lisle and your brother ?

Ans. I do not know ; some considerable time before I came to Harrisburgh ; before I left my home at Doylestown, I was informed of the arrangement having been made.

WILKINS. Was the contest as to the seventh auctioneer between your brother and Mr. Lisle ?

Ans. No. The Governor had not made up his mind ; there were other gentlemen who were applicants, that the Governor mentioned to me he had in his mind.

WILKINS. When was your brother's name withdrawn ?

Ans. A month or more before I came to Harrisburgh,—but I do not know this fact of my own knowledge.

WILKINS. Did you renew your brother's claim ?

Ans. I renewed my brother's claim in this way : If Mr. Lisle should not be appointed then I intended to urge my brother's claim, and if Mr. Lisle had not been appointed, I had every reason to believe that my brother would be appointed.

WILKINS. On the night when the notices were made out, you say that you first heard Mr. Lisle was included, was any reason given for appointing Mr. Lisle and not your brother ?

Ans. No. There was no reason given.

TODD. Is it your impression that Mr. Sergeant was anxious for the appointment of Wurtz ?

Ans. Very. There were three that he had fixed his mind upon particularly, Jennings, Wurtz and Steel.

WILKINS. What reason was given for not appointing Wurtz ? Did the Governor give you any reason ?

Ans. No.

WILKINS. What introduced the conversation in which you say the Governor said, when he gave the commission it was without condition or restriction.

Ans. I suppose that the Governor intended to inform me, that if Mr. Lisle were appointed, he would not consider in giving him the commission, that he was under any obligation to appoint my brother.

WILKINS. Did you press, as one reason, for the appointment

of Mr. Lisle, the chance that your brother would have to be his chief clerk ?

Ans. Unquestionably I mentioned to the Governor that my anxiety for Mr. Lisle's appointment, arose from the circumstance that my brother was to be his chief clerk, but the ground I took why Mr. Lisle should be appointed, was the misrepresentations which had been made by Mr. Jennings.

BLVNS. At the time the Governor told you that Mr. Jennings was a very selfish man, did he mention to you then, that Mr. Jennings had refused on his, the Governor's, guarantee, to accept drafts to the amount of \$10,000 dollars ?

Ans. I never heard a word about any money transactions between the Governor and Mr. Jennings, until a year after.

WILKINS. Have you any other knowledge of any misconduct of the executive in relation to the disposition of any offices ?

Ans. No, sir

WILKINS. Was your father an applicant for an office at all ?

Ans. No, sir.

DOUGLAS. If your brother's name had never been mentioned, and the fact of Mr. Jennings' misrepresentations had been stated to the Governor, do you think Mr. Lisle would have been appointed ?

Ans. That must be a matter of opinion. I believe if Mr. Lisle had come here instead of myself, at that time, he would unquestionably have succeeded. I clearly understood from the Governor that Mr. Lisle was lost sight of only on account of that misrepresentation. I found it a difficult matter to root out the effect of Mr. Jennings' misrepresentation, because the belief of the Governor and Mr. Sergeant seemed to be, that Mr. Lisle, in consequence of his engagements, unwarily entered into by him, as to partnerships, must publicly appear to want the commission, whereas in truth he had rather not have the commission, and Mr. Jennings be appointed and he be Mr. Jennings' partner.

WILKINS. As the then secretary of the commonwealth would not agree to give up Mr. Jennings, who did he wish should receive the seventh commission ?

Ans. He had all along been in favor of Mr. Wurtz ; even after he heard from the Governor that he did not intend to appoint Mr. Wurtz, he told me that he had informed Mr. Wurtz of his danger and had told him to make all the interest he could.

There were several names mentioned by the Governor, among them captain Robinson, who Mr. Sergeant disapproved of. Mr. Sergeant said, the Governor has got his mind fixed on Mr. Robinson, but he will not do ; the appointment would be a bad one.

WILKINS. Do I understand you to say, that altho' the agreement between Lisle and your brother, was made in January, yet that in March the Governor had decided not to appoint Mr. Lisle ?

Ans. I can only answer the question by a supposition. I can suppose that the fact is so, but I do not know it.

WILKINS. After you came to Harrisburgh, you found the Governor disposed not to appoint Mr. Lisle ?

Ans. Yes.

WILKINS. Did you ever learn from the Governor a determination not to appoint Mr. Lisle after he had understood the arrangement between Lisle and your brother ?

Ans. I believe the Governor acquired a knowledge in January of the arrangement ; he certainly knew it before I came to Harrisburgh.

Adjourned to 3 o'clock, afternoon.



TUESDAY, Jan. 11, 3 o'clock, P. M.

[Mr. FOX, in continuation.]

WILKINS. After the Governor evidently had a knowledge of the arrangement, did he ever say he had given up Mr. Lisle ?

Ans. He told me when I was here in March, that Mr. Lisle had for some considerable time been out of view ; that he had not contemplated to appoint him. Of my own knowledge, I did not know till I came to Harrisburgh that the Governor had knowledge of the arrangement, tho' from information I had reason to believe he knew of it some considerable time before. The Governor never said after I arrived at Harrisburgh, that he would not appoint Mr. Lisle.

WILKINS. If the Governor was not opposed to the appointment of Mr. Lisle, what was the reason of your so frequently pressing upon him your wishes and the misrepresentations of Mr. Jennings ?

Ans. It was, I think, in the second conversation I had with the Governor, that he told me he would appoint Mr. Lisle, and it was necessary for me, after that, repeatedly to urge the same matter to the Governor, in consequence of the interference of Mr. Sergeant in favor of Mr. Jennings. The Governor told me, I think more than once, that Mr. Sergeant said that there must be some mistake in the matter ; that Mr. Jennings had not or could not have made such misrepresentations. This is the reason why it was necessary for me repeatedly to state the misrepresentations to the Governor, to talk with him on the subject, and to urge the appointment.

DOUGLAS. Was the Governor's conduct altered or controlled by the secretary's letter and the answer to it ?

Ans. I cannot answer that question, except by giving an opinion.

BREWSTER. Did you discover any difference in the conduct of the Governor, in consequence of the answer to Mr. Sergeant's letter with regard to the appointment of Mr. Lisle ?

Ans. In the same conversation that I told the Governor of the answer to that letter, I also urged upon him to conviction, for that time, as I believed, the misrepresentation of Mr. Jennings ; I certainly then found the Governor's conduct altered as it respected both Mr. Jennings and Mr. Lisle. What extent of influence his knowledge of the answer to the letter, had in that, I am unable to say—nor in what particular part of the conversation, which I believe was of some length ; it was that he told me that he would not appoint Mr. Jennings but would appoint Mr. Lisle.

RANDALL. Do you know the general character of John Jennings ?

Ans. I do not.

RANDALL. You state that Mr. Sergeant was very anxious for the appointment of Mr. Jennings, and was very instrumental in procuring it, am I therefore to understand that the Governor was opposed to it ?

Ans. The Governor certainly seemed unwilling to appoint him.

RANDALL. You state that upon the authority of other persons, before the Governor, you charged Mr. Jennings of misrepresentations; at that time was Mr. Jennings at Harrisburgh or Philadelphia?

Ans. He was not at Harrisburgh, I presume he was at Philadelphia.

RANDALL. Did you propose to the Governor that Mr. Jennings should have an opportunity of explaining or defending himself?

Ans. No. I had no doubt of the fact, nor have I yet.

RANDALL. Did the Governor ever propose, sir, that Mr. Jennings should have this opportunity?

Ans. I do not recollect that he did, but he certainly listened to, and was influenced by, the representation of Mr. Sergeant, that there must be some mistake.

RANDALL. Was any information ever given to Mr. Jennings, previous to the appointments being decided upon, of the charge that had been made against him of misrepresentation, to your knowledge?

Ans. I know of none.

COXE. If Mr. Jennings had accepted your brother's proposals, would you have objected to his appointment?

Ans. I had nothing to do with the proposal to Mr. Jennings. I do not know.

Adjourned until 7 o'clock this evening.

Seven o'clock in the EVENING.

RICHARD BACHE, *Called again.*

I RECEIVED the letter a short time before the notices came down. Mr. Steel came into my office in the morning after I received the letter, I asked him whether he could take Mr. Fox as a clerk, he told me he could not ; he mentioned, that if he received the appointment, the situations were occupied, but if he had known it some time previously, he would have taken Mr. Fox ; I asked him if he saw Mr. Jennings in the course of the day to tell him I wished to see him ; Mr. Jennings called, I think it was that day, that is my impression, I mentioned to Mr. Jennings the purport of the letter as related to Mr. Fox, Mr. Lisle and himself ; Mr. Jennings said he must see Mr. Lisle before he could give an answer ; the next person I saw was Mr. Lisle, I met him on the street. I asked him whether he had seen Mr. Jennings, and told him that I had requested Mr. Jennings to see him respecting Mr. Fox ; he told me he had seen him, but Mr. Jennings had not said any thing to him on the subject, he presumed he was prevented in consequence of some persons being at his house at the time Mr. Jennings was there ; I told Mr. Lisle that I thought there could be no objection to the arrangement, that it appeared to me immaterial, as they had agreed to form a partnership ; that I supposed Mr. Jennings would not object to it ; he observed that it stood to reason he would prefer having the commission himself, he was an older man in business, that he would rather hold his commission at the Governor's will and pleasure than that of Mr. Jennings, (or words to that amount.) I told him I saw no difference whether he or Mr. Jennings got the commission. We were interrupted in our conversation, and it broke off very suddenly.—The next person I saw about this business was Mr. Jennings, it was a day or two afterwards, he told me he had declined taking Mr. Fox ; I, as a friend of Mr. Jennings, pressed him to consent to the arrangement. I think at that time he said he would consider of it and give me a final answer the next day. I saw him afterwards and he positively declined. I wrote word to Mr. Sergeant, I think it was the second or third day after I had received the letter informing him of Mr. Steel and Mr. Jennings having declined, and that I had not seen the others, (Mr. Wurtz nor Mr. Taylor), whether I mentioned these names or not I cannot say. I next saw Mr. Wurtz, it was on the afternoon the notices came down, he was waiting for his letter by the western mail, and when the carriers were ready to deliver them I brought him his letter into the office. He showed me the letter, it was from

his brother, John Wurtz, he seemed apprehensive on the receipt of it that he would not be appointed. I endeavored to encourage Mr. Wurtz with the idea that he would be appointed; I asked him if he would accept of the services of Mr. Fox if he were appointed. He stated that his brother and a clerk they had brought up, were to be engaged in the store if he was appointed, and he could not do it. I told him that I would write again for him, and I did write to Mr. Sergeant, pressing his appointment, that afternoon; the next morning I heard for the first time, that the auctioneers were notified of their appointments.

COXE. Do you know sir, what salary Mr. Fox was to have?

Ans. \$2000, as stated in the letter.

COXE. What reason did Mr. Jennings give for not acceding to the proposal?

Ans. At first he gave no reason, but said he would consult with Mr. Lisle. When he finally had determined not to receive him, he stated, that he had agreed to take the Governor's son as clerk, and he would not be saddled with Mr. Fox, (as near as I can recollect.)

COXE. Did he assign any other reason at that time?

Ans. I dont recollect that he did.

COXE. Did you, sir, urge Mr. Jennings to accede to this proposal, for fear of jeopardizing his appointment?

Ans. I urged him to it, because in my conversation with Mr. Lisle, Mr. Lisle had, for the first time to me, given the information, that there was to be no partnership between Mr. Jennings and himself, provided, he, Mr. Lisle, got the commission, and because Mr. Jennings had informed me, that Mr. Lisle had agreed to withdraw his claim, in favor of Mr. Jennings, and had agreed to go into partnership with him, I was induced to believe therefore, (this is a belief of my own, not from the letter) that Mr. Jennings might jeopardise his appointment, by refusing to accede to take Mr. Fox.

COXE. I now ask you, whether you did not urge him, and press upon his mind, the fear of losing his appointment, as a ground, why he should take Mr. Fox?

Ans. I principally urged the taking of Mr. Fox, because Mr. Lisle had agreed to take him, and as Mr. Jennings had agreed to take Mr. Lisle, I thought it could make no difference. In the last conversation with Mr. Jennings, when he positively refused to take Mr. Fox, I did urge upon him to take him, because I believed it might jeopardize his appointment.

COXE. I now ask you, did you not state to Mr. Jennings, that he might lose his appointment, if he did not take Mr. Fox ?

Ans. I did ; but it was a matter of opinion entirely.

COXE. Was that opinion founded upon the letter of Mr. Sergeant, being so strong and energetic ?

Ans. Not solely—it was combined with other considerations, the principal part of which was the difference between the statements of Mr. Lisle and Mr. Jennings to me, as to their partnership concerns. I did tell Mr Jennings that I had never known Mr. Sergeant to write so energetic before. I was also induced by my friendship for Mr. Jennings at that time to urge every thing that I did, to consent to the arrangement ; the conversation was a hasty one, one in which I had not considered the subject whatever, and occurred with Mr Jennings, upon my finding him unexpectedly in my parlor, after my return home.

COXE. Did your friendship induce you to urge Mr Jennings, to consent to the arrangement for fear that he would jeopardize his appointment, by not consenting ?

Ans. It was not the principal inducement, but it was one of them ; the principal inducement was, that I thought it would make no difference to Mr. Jennings, as Mr Lisle had agreed to take Mr. Fox, and Mr. Jennings had agreed to take Mr. Lisle.

COXE. Did you receive an answer to the first letter, which you wrote to Mr. Sergeant ?

Ans. I did ; I received it some days after the notices had come to town ; the letter was dated after the notices were made out ; I cannot call it an answer ; it referred to some matter contained in the first letter.

COXE. Have you got that letter ?

Ans. I have not.

COXE. What has become of that letter, sir ?

Ans. I destroyed it, since the last investigation.

COXE. Will you tell us the contents of that letter ?

Ans. I will state unequivocally that it had no relation, either to the last, or the present investigation ; there was nothing in the letter, relating to the Governor, nothing relating to appointments.

COXE. Were there any passages in that letter, which indicated

the feelings of Mr. Sergeant, at the refusal of Mr. Jennings to agree to the arrangement.

[*Over-ruled.*]

WILKINS. Did Mr. Lisle ever, at any time, before or after the receipt of Mr. Sergeant's letter, say that he had no hopes of his appointment, or had withdrawn his application ?

Ans. He never did ; I was very little acquainted with Lisle previous to this time. I had no conversation with him about his appointment before that time, and he then stated to me, that he was anxious to be appointed, and had not withdrawn his application ; this brings a fact to my mind, which I omitted in my examination in chief, that Mr. Jennings had informed me, that Mr. Lisle had agreed to withdraw his claim, and requested me not to mention, that Mr. Lisle had withdrawn his claim, and was to become a partner of Mr. Jennings. When I came to Harrisburgh, and saw the Governor, he informed me, that he understood there was an arrangement of that kind between Mr. Lisle and Mr. Jennings.

WILKINS. At the time that you held this conversation in Philadelphia, with the applicants for auctioneers, had you any kind of authority from the Governor either written or verbal, other than the letter of Mr. Sergeant ?

Ans. I had not.

WILKINS. After you came to Harrisburgh or at any other time, has the Governor ever recognized your authority or your negotiation, about the appointments in Philadelphia ?

Ans. Never. I was at Harrisburgh some time previous to the receipt of that letter, but not after, I had no authority from the Governor ; on the contrary, the Governor, in speaking to me some time previous to the appointments being made, whilst on a visit at Harrisburgh, stated, that he would like the gentlemen to agree among themselves, as to their partners, but when he gave the commission, he would give it without condition.

WILKINS. Have you ever conversed with the Governor about this letter ; if yea, what did he say about it ?

Ans. The Governor and myself have not conversed upon the subject of the letter, that I recollect. I have been particularly cautious in visiting the Governor, both at the last investigation and this.

RANDALL. Has the Governor ever, to you, disavowed what you did in pursuance of this letter ?

Ans. He did not ; because we never had a conversation upon the subject.

RANDALL. You have seen him since these transactions took place, both in Philadelphia and in this place.

Ans. Yes.

RANDALL. And since the last inquiry ?

Ans. Yes, I saw him in Philadelphia and in this place. I have never seen the Governor when the room has not been filled with people ; in Philadelphia I saw him twice, the room was crowded.

RANDALL. About the time that you had the conversation with Jennings, did you write to Mr. Sargeant, deprecating the non-appointment of Mr. Jennings.

Ans. I cannot say that I did ; I wrote urging the appointment of Mr. Jennings, Mr. Wurtz, Gill & Canonge, and Mr. Steel.

RANDALL. Did you write more than one letter ?

Ans. No, sir, not after the receipt of the letter ?

RANDALL. Do you remember the reasons why you stated Mr. Jennings ought to be appointed.

Ans. No, I do not.

RANDALL. Would you know them if you heard them ?

Ans. I cannot tell.

RANDALL. Do you remember whether you stated in that letter, as a reason why Mr. Jennings should be appointed, that the administration or the Governor were in his power.

Ans. I do not recollect stating any such reasons whatever.

WILKINS. Had the Governor ever any knowledge of your conversations or negociations in Philadelphia, in pursuance of that letter ?

Ans. Not to my knowledge.

RANDALL. Please to state whether what you did in pursuance of that letter, was not published by the House of Representatives, during the last winter ?

Ans. Certainly.

RANDALL. Was not that evidence re-published in the different papers throughout the state ?

Ans. It was published in the Franklin Gazette and in the Democratic Press.

RANDALL. Was the Governor a subscriber to the Franklin Gazette ?

Ans. Yes. Whether he reads it or not I cannot say.

Adjourned until 4 o'clock to-morrow.



WEDNESDAY, Jan. 12, 1820.

[*Mr. BACHE, in continuation.*]

COXE. Did Mr. Jennings say that Mr. Lisle had actually entered into a partnership with him, or did he say that Mr. Lisle had made an agreement to form a partnership, if Mr. Jennings should be commissioned and Mr. Lisle should not ?

Ans. He said that Mr. Lisle had agreed to withdraw his application, and had also agreed to enter into partnership with Mr. Jennings, should Mr. Jennings be appointed ; he mentioned it to me as a secret that I must not disclose. He did not state to me that there was an actual partnership entered into.

COXE. Did Mr. Jennings inform you that he had agreed to take the Governor's son, or that the Governor had had a conversation with him about taking his son.

Ans. He said he was to take the Governor's son, and he had no idea of being saddled with Mr. Fox.

COXE. Did you actually understand from Mr. Jennings that he was to take the Governor's son ?

Ans. I do not know that I passed a thought upon the words ; I repeat them precisely as he gave them, according to the best of my recollection.

COXE. You referred to the journal of the House of Representatives to ascertain the date of a letter from Mr. John Wurtz, am I to understand you as testifying to the correctness of the printed copy of that letter in the journal ?

Ans. No, sir. All that I know of that letter, is (i. e. the manuscript) that it came down the evening the notices to the auctioneers came down.

COXE. You saw it that evening.

Ans. Yes. I believe the substance of the letter as printed on the journal is the same : I will not say as to the date.

COXE. Are you a relation of the late secretary of the commonwealth ?

Ans. Yes, sir, a brother-in-law.

COXE. When did you communicate to the Governor or to the late secretary of the commonwealth, your knowledge of the fact, that Governor Findlay, previously to the appointments of auctioneers, had applied to Mr. Jennings to accept drafts to the amount of \$10,000 on his, the Governor's, guarantee ?

Ans. I really cannot tell, I never did communicate it to the Governor, and I do not know that I did to the secretary. My determination was at the time I received that information from Mr. Jennings, not to inform the secretary. I do not recollect that I altered my opinion on that subject.

COXE. What was the reason that you determined not to inform the secretary ?

Over-ruled.

COXE. Are you the post-master of Philadelphia ?

Ans. I am.

COXE. Was the Governor in the habit of sending, under cover, to you, at Philadelphia, letters addressed to the house of Finley and Vanlear, of Baltimore ?

Ans. He was not.

COXE. Did he ever send you any letter under cover, to Finley and Vanlear of Baltimore ?

Ans. He sent one.

COXE. Only one ?

Ans. Only one.

COXE. What did you do with that letter ?

Ans. I marked the postage on it and sent it to Baltimore, in the same manner as I have done, I suppose, five hundred times with other individuals, and perhaps fifty times as regards John Binns.

COXE. Can you tell us the reason for the Governor's doing so, sending it under cover to you ?

Ans. I cannot. I have sent letters from here to Washington city in that way (under cover to Philadelphia) that they may arrive there sooner.

BINNS. I wish to know whether John Binns, fifty times, or at any time, forwarded letters addressed to persons resident in any other city than Philadelphia, to be forwarded by Mr. Bache to the place of their destination. ?

Ans. He never did ; but he has requested me to receive a newspaper, the National Intelligencer, that he proposed to subscribe and pay for, to deliver to him the moment the mail arrived, which I declined ; he also proposed to me, or requested me, to frank his pamphlets, in answer to the celebrated Lyon pamphlet, to different persons, which I also declined ; I sent them, but charged him with the postage. When I first came into the office of post-master, letters frequently came to me enclosed, addressed to John Binns ; I marked the postage on them, and handed them to him ; I even spoke to Mr. Binns, to tell him, to request his correspondents not to enclose his letters, directed to me, because there might be some delay in his receiving them, as I might be out of the way when they came ; some time after that they did not come to me.

DOUGLAS. State the conversation you had with John Jennings, after that he found Mr. Wurtz was not appointed auctioneer.

Ans. After the notices came down, I saw Mr. Jennings ; he seemed very much vexed at the arrangement, that had been made, as to the appointments, and expressed some doubt, as to holding his commission. I cannot tell precisely what he said, he stated that the commission would be of little or no use to him, and he did not know whether he would accept of it. I recollect mentioning to him the common phrase of " Few die, and none resign."

DOUGLAS. Did Mr. Jennings not state to you that by the appointment of Mr. Lisle, he had lost his partner ?

Ans. He did.

RANDALL. I want to know, whether the secretary was ever apprised of any of the circumstances, connected with the draft of \$10,000, previous to the notices being sent down ?

Ans. He was not, according to the best of my recollection ; it was a fact not at all impressed on my mind ; my strongest impression is, that I did not, in consequence of my former determination, not to communicate it to him.

RANDALL. At the time you received the letter from the Governor, under cover, directed to Finley and Vanlear, did you mention it to any person ?

Vns. I mentioned it to Mr. Jennings, I believe I mentioned it to the chairman also ; I am not certain.

RANDALL. Was that the commencement of the conversation, you had with Mr. Jennings, on the subject of Mr. Findlay ?

Ans. No sir ; Mr. Jennings called upon me, mentioning the receipt of a letter from the Governor, and begging my advice, what he should do. I then mentioned to him the receipt of this letter.

RANDALL. Did you mention it as a matter of surprise, that the Governor should take this course of communicating his letters ?

Ans. I did.

RANDALL. Were you consulted as a friend of John Binns, as to the propriety of the publication of the pamphlet alluded to ?

Over-ruled.

JOHN LISLE, Sworn.

BINNS. Have you got a copy of your agreement with Samuel Fox ?

Ans. I have. (*Reads the agreement.*) See APPENDIX, No. I.

BINNS. Had you, or had you not, any personal knowledge of, or communication with, Samuel Fox, before you had agreed with his father to give him \$2000 a year, if you were appointed an auctioneer ?

Ans. I certainly had a personal knowledge of Mr. Samuel Fox,

he being born in the same town, we belonged to the same kirk ; I suppose scarcely a day passed without my seeing him, but I had no communication with him, on the subject of the agreement, which I have just read, that agreement was negotiated with his father for him, and by his father with me.

FINNS. I wish to know what is the salary, which Samuel Fox receives from the house of Lisle, Wier & Co. and in what manner that salary was fixed.

Ans. One thousand dollars from the house of Lisle, Wier, & Co. and one thousand from Samuel Smith and myself, the two that formed the first partnership before the present firm of Lisle, Wier & Co. was formed.

After my return in January from Harrisburgh, Mr. Edward Fox sent for me, he was confined to his room by illness, and informed me that he had applied to the Governor for the office of auctioneer for his son Samuel, but that some of his friends had advised him, as he had not a capital to put into the business, if he was successful, that it would be better for him to join one of the applicants, who could furnish a capital. He told me that he had fixed his eyes on me, and asked me, if I would consent to take his son in partnership with me, provided he withdrew his claim, and united his interest with mine ? I told him that I had already formed a partnership in case of success, with my brother-in-law, Mr. Samuel Smith, and that I did not feel inclined to accept of his proposal. I had another reason : Mr. Samuel Fox had failed in business, and was involved in debt as I understood. He stated to me, if that was the case, perhaps I might not object to take him as my principal clerk ; he would be content to place him in that situation, if I would allow him a certain salary, as a commutation for the profits that might arise to him from the partnership. I asked him, what salary he would expect ? He told me the same salary Mr. Wier gave his stageman, or principal clerk, who gets the highest salary, and what Mr. Humes & Lippencot gave Mr. Poalk, to wit, \$2000.

I remarked that it was a high salary, and asked him what were the qualifications of his son, as I was not sufficiently acquainted with him to know for myself.

He stated that his son had been with him in his auction store — (Mr. Edward Fox having been an auctioneer for some years.)

Adjourned until 3 o'clock to-morrow, P. M.

THURSDAY, Jan. 13th, 1820.

[*Mr. LISLE, in Continuation.*]

That he had afterwards served an apprenticeship with Mr. Chandler Price, a very respectable merchant of Philadelphia, that he had been in business in company with Mr. Henry, under the firm of Fox & Henry, for some years. Mr. Henry is now American consul at Gibraltar, and has been for some years; and that he was capable of managing in an auction business any department that I might choose to trust him with. I told him I would consult with Mr. Smith, and let him know my determination. On consulting Mr. Smith, he remarked that the salary was high; I observed to him that I had expressly conditioned with Mr. Edward Fox verbally, that his son was to give me all his time and services and conduct himself with propriety, that in case he did not, I should claim a right either of reducing his salary, or discharging him as circumstances might require: to this Mr. Edward Fox assented. I had no communication with Mr. Samuel Fox. I judged this reservation proper because I had heard unfavorable reports of Mr. Samuel Fox, that he was intemperate; Mr. Smith agreed that I should employ Mr. Fox, in case of success, with the reservation that I now state. The terms were that he at all times was to perform the duties of a clerk according to the best of his skill and judgment, and to render all such reasonable services as might be required of him in the premises, to the best of his power. Delicacy for the feelings of a father having prevented me from stating to him the reason why I made this reservation. I waited on judge Barnes, who had acted as the friend of Mr. Edward Fox in the negotiation, he, I believe, drew the contract, I understood so. I informed judge Barnes of the reports that I had heard; told him it was too delicate a subject to explain to the father of Mr. Fox, that I thought proper to explain to him and to expressly tell him, that on trial of Mr. Fox, in case it should prove true that he was intemperate, or inattentive to business, that I would not continue him in my employ, that I would in fact not have such a character, because it would be a bad example to my other clerks. He said my conduct was perfectly justifiable, and that Mr. Edward Fox would have no right to complain if I discharged his son, if he did not behave himself with propriety. The very construction of the contract will warrant such conduct, because he contracts at all times to perform the duties of a clerk to the best of his skill and judgment, and to render all such reasonable services as may be required of him in the premises, to the best of his power. Now if he proves an habitual drunkard, he cannot render services to you, and will not be entitled to the salary, his services being a condition precedent. I have thought it necessary to introduce this explanatory evidence, in consequence of opinions circulated in Philadelphia and published in a paper there, accusing me of asserting last year, in the trial of Mr.

Sergeant, a right, which I did not possess, of reducing the salary of Mr. Fox, in case he conducted himself in a manner that I could not approve of. I was not so full then in my testimony as I am now, because I did not know that my right would be disputed.

Mr. Samuel Fox came to me on the first day of April 1818—entered into the service of Lisle, Wier & Co. the day that my term commenced as auctioneer; the commissions were issued the first of April. Mr. Edward Fox had previously thereto exhibited to me a draft of a contract betwixt Samuel Fox and me, without date; I believe it was immediately after the notices arrived—perhaps two or three days after I knew I was to be an auctioneer. I stated to Mr. Fox two or three objections in the contract, the way it was drawn, and alterations were made in consequence. Mr. Edward Fox, or judge Barnes, had drawn up the contract, stating Mr. Samuel Fox to be a partner, with a fixed sum as a commutation for his share of the profits; but I objected to it, because I had formed a partnership—I deemed it improper and unnecessary to state Mr. Fox as a partner, when he had agreed to take a certain sum in lieu of his share of the supposed or probable profits. The other alteration, was in a part of the contract, which has caused a great deal of ink to be wasted in Philadelphia, unnecessarily in my opinion, viz. “The said John Lisle shall employ the said Samuel Fox as a clerk in his the said John Lisle’s auction store, during the continuance of his commission, and the renewals thereof, by the present Governor, or the next succeeding Governor.”—Originally, it was written—“and the renewals of the present Governor or any succeeding Governor.” I thought it was presumptuous in me to suppose that I had any chance of being an auctioneer longer than the term of nine years, and that term, in case of two lives, I hope to hold, unless I misbehave myself. I was stating my reasons to Mr. Fox, that if Mr. Findlay should die in a short time, I might have a chance, if I should behave myself, of a renewal with his successor, in consequence of not having held the office the usual period of nine years. Mr. Conrad, I had understood, was continued because he had not held the office for nine years.

I forgot to state to the committee, that when I made the arrangement with Mr. Edward Fox, for his son, he said, that he would write to the Governor, informing him that he had withdrawn his application for his son, in consequence of an arrangement he had made with me, which satisfied him; these were the words—he showed me a rough draft of his letter to the Governor—and that he now requested the commission for me. I informed Mr. Edward Fox, after these alterations were made in the agreement, that I have stated were made, and a fair copy taken, which was presented to me for signature, that I would not sign, until I had had Mr. Samuel Fox some time in my service. Late in April, or very early in May, three or four weeks after Mr. Fox had entered my service, I met judge Barnes in the street—he stopped me, and enquired of me if I was

satisfied with the conduct of Mr. Samuel Fox. I told him I was, perfectly, and that if Mr. Fox would send the contract to my house with his son, that I would sign it—that I was satisfied with his conduct as clerk. The date was then blank—I filled it up with the first of April, being the day that the services of Mr. Fox commenced. It was not executed until late in April. I have stated before that I was not a lawyer ; if I committed a mistake, I plead ignorance ; I intended no evil, nor do I know that I committed any ; I have yet to learn it. I have only to add, in answering this question, that I am perfectly satisfied with the services of Mr. Fox, if the petitioners are ; that he behaves himself in a manner, that is not exceeded by the conduct of any of my clerks, and that his salary is paid out of the funds of Lisle, Wier and Co. and Lisle and Smith, and not out of the public money that I collect as auctioneer, for the publick. I have nothing more to say to this question. It has not been asserted that any part of it has been paid out of the money, I collect for the public as an auctioneer, viz. the duty of one per cent. on my sales.

BLINNS. Did I understand you to say, that you wished the indulgence of the committee, to give your testimony, from written notes to refresh your memory ?

Ans. With regard to dates, in order to make a straight story.

BLINNS. Did I understand you to say, that you had the same notes, when under examination last year ?

Ans. Yes, sir, the same paper I had last year, that these notes were taken from, a letter written March 27 or 28, 1818, to the Governor, detailing the circumstances in consequence of the uproar in the Hub in Philadelphia, occasioned by my appointment, and the disappointment of Mr. Wurtz. This letter I did not send ; I considered it unnecessary after taking advice. I concluded to treat the matter with contempt. I explained to some friends, in Philadelphia, among others Col. Binns ; I exhibited to him two letters, one from David Acheson, which is now in my pocket, dated the 24th of February, 1818, and one from George Bryan, esquire, dated the 11th March 1818 ; I thought it my duty to explain to my friends in Philadelphia ; I did not think it necessary to go further.

Mr. Binns read these letters, and returned them to me with saying, Mr. Lisle you have a straight story, I am satisfied that you never withdrew your claim for the office.—I think these were the words. I thanked him for the handsome manner, in which he had spoken of me in his letter to the Governor, and retired.

BLINNS. Were you examined more than once last year ?

Ans. I think I was. I forgot to state, my testimony was not so full in some respects last year, as it is now.

BUNNS. In what manner was the salary of Samuel Fox fixed by the house of Lisle, Wier & Co. ?

Ans. Mr. Wier and I had had a communication prior to my appointment, that led me to believe that a partnership might be formed with him, in case I was appointed an auctioneer. Mr. Wier was then carrying on a large business as an auctioneer, and I considered it a matter of great importance to obtain him as a partner.

I received my notices March 25th, late in the evening; next morning about ten o'clock, I called on Mr. Wier, and informed him that I had received the notice of my appointment, and had come for the purpose of ascertaining whether I could agree with him on terms of partnership for myself and Mr. Smith; at the same moment there were four other auctioneers there on the same errand.—He had given me assurances, that he would prefer me provided that we could agree on terms: we went up stairs into a private room and there commenced our negotiation.—The other gentlemen were dismissed I believe, until it was known whether I should succeed. Mr. Wier for the first time, informed me that he would enter into no negotiation with me about partnership, unless I would include his chief clerk, Mr. John F. Lewis, who is now on the road to Harrisburgh. I objected because I thought there were names enough in the firm—he insisted, he made it a *sine qua non*: finding that the negotiation would be broken off even before the preliminaries were concluded, I acquiesced. I told him that I would accede to the proposition of taking Mr. Lewis, in fact I was determined to give him a *carte blanche* almost, rather than lose him in forming a partnership; he was so valuable a man, having a large capital and a large business. He informed me that he should require Mr. Lewis to continue to fill the station that he then held, which was the identical station that I had engaged to give to Samuel Fox. I told him that he placed me in an awkward situation in regard to Mr. Fox, but he would not relent, he insisted and made his own terms;—I had to accede. I told him that by that agreement I would deprive Mr. Fox of the station, that I had agreed to give him with the salary that Mr. Lewis had from him, 2000 dollars a year. I did conceive that Mr. Lewis becoming a partner, would not have wished to have held that troublesome office, the most troublesome in an auction store. Mr. Wier said no, he must have him, he was the most capable man in Philadelphia of filling it. I then told Mr. Wier, that as he had filled the office I intended for Mr. Fox with another, that I would wish him to take Mr. Fox into the store, and give him any department in the business that he would not object to, and in which he would be useful to the firm, to allow him on the first of January (the time when we balance our books) such salary as his services might be worth, in such station as might be vacant. On the first of January Mr. Wier informed me that he had fixed on the sum of 1000 dollars a year, as the salary he would be willing to allow Mr. Fox as a general clerk, there being no station vacant for him. I wish the com-

mittee to understand that when Lisle and Smith made an arrangement with Samuel Fox, they had not one clerk engaged, they could have given Mr. Fox any station they thought proper, but when he entered into partnership with Silas E. Wier and Mr. Lewis, I had to take with the partners all their clerks; they were all young men brought up by Mr. Wier, and he would not consent to part with any of them; he had (including the porters) I believe nine or ten hands, Samuel Fox made the eleventh, and four partners made fifteen, including two boys, apprentices. Mr. Fox was therefore obliged to take the station of a general clerk, assisting any clerk who had more business than he could do at one time, making out bills, other times sales, receiving goods, delivering goods, attending regularly on the stage as an assistant stage-man. I made this agreement with Mr. Wier for Mr. Fox, not consulting with Mr. Fox, as their were four auctioneers waiting to snap him, Mr. Wier, up as an auctioneer.

BINNS. Do you mean to snap up the Fox?

Ans. No. The Fox-chace commenced afterwards—The Fox is yet running. I told Mr. Fox that I was placed in that situation. I was either under the necessity of losing Mr. Wier as a partner, or of depriving him of the station I had agreed to give him. I trusted he would acquiesce in my new arrangement, inasmuch as I had taken from him only the shadow, the honor of being first clerk; I had no right to take from him the substance, neither would I, so long as he conducted himself with propriety and fulfilled his part of the contract I had entered into with him. He said he would not interfere with any arrangement that I might think necessary for my interest. Of course Mr. Smith and myself were bound, or I was bound in honor to make up to him any deficiency that might arise in consequence of Mr. Wier's placing him in an inferior station to that which I had contracted to place him in, and giving him in that reduced station (the salaries are proportioned to the stations) a reduced salary. The station of general clerk does not entitle him to as high a salary as that of stage clerk.

BINNS. Am I to understand that after Samuel Fox had lived as a general clerk in the auction establishment of Lisle, Wier & Co. from the 1st of April 1818 to the 1st of January 1819, that then his services were valued by Mr. Wier, and charged to the firm as worth one thousand dollars a year.

Ans. Yes, sir. In explanation I wish to say, that \$1000 dollars is as much as any general clerk in Philadelphia, that I know of, receives; of course his services in the station in which we had to place him, not having any other, were not undervalued.

BINNS. I wish to know whether Samuel Fox faithfully devotes his time and services to the auction establishment of Lisle, Wier & Co.

Ans. He does.

BINNS. Lisle & Smith, I understand you to say, pay to Samuel Fox \$1000 dollars a year in addition to the salary paid him by the firm of Lisle, Wier & Co. I wish to know whether Samuel Fox renders any, and if any, what services to Lisle & Smith for the \$1000 a year which they pay him.

Ans. I conceive that Samuel Fox is bound to render to Lisle, Wier & Co. all the services that they may require, and that he may be capable of, in the first instance. They have the first claim upon him, and, I may say, occupy almost the whole of his time. When he is not engaged with them, and I have occasion for him in settling up my old business, I call on him without ceremony, and he has never refused me. Mr. Smith never has called on him: he has his time fully occupied without Mr. Smith. Mr. Smith has no occasion for him. I have a counting house of my own under the same roof with that of Mr. Lisle, Wier & Co. separate books and a separate business now winding up.

BINNS. What proportion does Mr. Smith pay of the \$1000 a year, paid by Lisle & Smith to Samuel Fox?

Ans. Mr. Smith has half as much of the nett profits in the firm of Lisle, Wier & Co. as I have, of course Mr. Smith pays the third of the 1000 dollars, and I two thirds, or, in other words, he pays \$333 33 $\frac{1}{3}$, and I pay two thirds, which is \$666 66 $\frac{2}{3}$.

BINNS. Am I to understand you to say, that Mr. Smith and yourself pay your proportions of the 1000 dollars paid to Samuel Fox, in proportion to your respective shares of the profits of the house of Lisle, Wier & Co.?

Ans. Yes, sir.

BINNS. Does Mr. Smith receive any portion of the services of Samuel Fox, except what he renders to the firm of Lisle, Wier, & Co.?

Ans. My answer is this, Samuel Smith has no separate business of his own; he was in partnership with Dr. Lehman, now in the assembly, when he quit that business he sold out entirely to Dr. Lehman, and has no separate business that I know of, and therefore has no occasion for the services of Mr. Fox, if he has, I am confident that Mr. Fox would render them to Mr. Smith if required; he never has refused me, and has frequently tendered his services to me at a time when I did not want them, whenever he was disengaged. I cannot answer further: Mr. Smith may have employed him without my knowledge.

BINNS. Does Mr. Smith receive any portion of the services of Samuel Fox, except what he renders to the firm of Lisle, Wier & Co.?

Ans. I do not know.

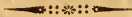
BINNS. Have you ever received any pecuniary obligation from the relations of Samuel Fox for the \$2,000 a year you pay him?

Ans. I have received nothing but his services, they are money worth, I suppose.

BINNS. If you were not bound by a written agreement to pay Samuel Fox \$2,000 a year, and wanted a general clerk, and you should engage him, would you give him more than \$1,000 a year for all the services he could possibly render?

Ans. For him or any other person as general clerk, I would not give more than \$1,000 a year. But in the original station for which I engaged him, to wit: as stage clerk, I would give him \$2,000 provided he was capable and attentive.

Adjourned until 3 o'clock to-morrow, P. M.



FRIDAY, January 14th, 1820.

[*Mr. LISLE, in Continuation.*]

BINNS. Did you, or did you not, sign the agreement to give Samuel Fox \$2,000 a year, before or after you had agreed with Mr. Wier to continue Mr. Lewis as stage clerk?

Ans. Afterwards.

DOUGLAS. Was not the \$1,000 to be paid Samuel Fox by Mr. Smith and yourself given for this reason alone, that you had reduced Mr. Fox's situation from first clerk or stageman to general clerk, and had thereby lowered his salary contrary to your original agreement with his father for him?

Ans. Yes.

DOUGLAS. State what Mr. Jennings and yourself had mutually pledged your honor to keep secret.

Ans. Mr. Jennings immediately after the election of the Governor called and informed me that he was an applicant for the office of auctioneer. That he wished a partner and had fixed his mind on me, I

informed him that I meant myself to be an applicant, I was engaged to a gentleman who would have applied himself had I not made that engagement to take him as a partner in case of success. He asked me "in case you are unsuccessful and I am successful, how will you stand then?" I told him in that case I should be at liberty to enter into any engagement that I might think eligible, and that I would go thus far as to promise him in case of my being unsuccessful and he successful, and I should incline to make an arrangement with any one of the applicants that I knew, that I would prefer him in case we could agree upon terms. He said he was satisfied and would look no further. I told him that if it was known to the Governor that any understanding existed between us, that knowledge might injure one or other of us, because the Governor would not think it necessary to appoint two, if the appointment of one should in his mind be considered as satisfactory to the other. I stated to him likewise, that he must clearly understand me, that in case I was appointed, I would not take him into partnership, having already a partner, and I asked him to give me his word, that he would keep perfectly secret the conversation that passed; he said he would—we parted. I waited on the Governor with my recommendations at the time of his inauguration. The Governor remarked to me when he read them, that they were very strong, and that he would take my claim into consideration. He told me, I think, there were forty-one applicants for six or seven offices, and remarked, that he understood that the auctioneers generally after being appointed took partners, and then inquired of me whether it was probable, on looking about among the principal applicants, I could fix upon a partner? If this could be done it would relieve him from the unpleasant necessity of refusing several gentlemen who stood so nearly on a par, that he was at a loss to choose. I stated to the Governor that I had formed a partnership in Philadelphia in case of success, with my brother-in-law, Samuel Smith, that I could not therefore agree to take any one of the applicants. The Governor remarked, that he had no right to demand such a thing of me, he merely stated it in consequence of there being twelve or fourteen applicants so strongly recommended that he was somewhat at a loss to choose, or that he wished to oblige them all, I do not recollect the words. When the commissions issued they would issue to seven and without conditions. I took my leave of the Governor, and returned to Philadelphia. On the 6th of January, 1818, I returned again to Harrisburg on other business. I again waited on the Governor and informed him that I merely called to remind him that I was an applicant. Observations nearly similar to those that had before fallen from the Governor were then made, and the same answers given. Mr. Jennings went up with me at the second time, on the 6th of January, and remained I believe a week or more after me in Harrisburg. On his return to Philadelphia, I inquired of him if he had kept secret our understanding with each other, he said he had. This brings me to about the middle of January, when he returned. I again cautioned him to preserve silence.

DOUGLAS. Did you ever inform the Governor that any understanding existed between Mr. Jennings and you ?

Ans. Never. I was bound in honor not to do so, (till after the appointments I mean.)

DOUGLAS. Did you ever solicit the Governor to appoint you auctioneer, and that you would take Mr. Jennings as a partner ?

Ans. Never.

DOUGLAS. After Mr. Jennings returned from Harrisburg, did you ask him whether he had committed you by telling the Governor the conversation that passed between you, and if so, what was his answer ?

Ans. I did ask him, his answer was, that he had not ; he added, that the Governor had inquired of him as he had of me, whether if he gave him the names of ten or twelve of the principal applicants he could fix on a partner among them. Mr. Jennings appeared rather to hesitate in telling me what answer he made to the Governor ; it appeared as if there was something behind, he saw the Governor was anxious for him to take a partner. I hope, said I, you did not commit me—he answered no. What passed in addition I cannot recollect.

DOUGLAS. State the strength and nature of your recommendation to the Governor for the office of auctioneer.

Ans. My recommendations consisted of a letter from general Daniel Montgomery, of Danville, who certified my character and standing for thirty years, and asked my appointment as a favor to be done to himself. The language was as strong as could have been used in asking a favor for a brother. The letters could be produced. One from general John W. Conyngham, of Chester county, certifying (formerly a member of this House, I believe) to my character for twenty-five years, seven of which he had spent in my family ; he had served an apprenticeship of seven years with me as a merchant. One from Thomas Finley, esquire, of Baltimore, given in consequence of applications of four of my friends in Baltimore, added to some knowledge he had of me himself, I having had mercantile transactions that passed through his house, he was agent for some Virginia merchants. I had a recommendation signed, I think, by eighty-three as respectable names as any in Philadelphia, among them I am proud to say stands that of the chairman of this honorable committee. In addition, I had as strong a letter as could be written, by David Acheson, esq. of Washington county. I dont recollect of any more.

DOUGLAS. You mentioned, that after Samuel Fox's father had made the agreement with you for his son, you heard unfavorable re-

ports of Samuel Fox. Did you find them, or do you now find those bad reports were or are well founded ?

Ans. They were not well founded to the best of my knowledge.

DOUGLAS. I wish you to state whether any of your recommenders for that office are among the petitioners ?

Ans. I shall take the name of the first man on this petition, and state to the committee to the best of my knowledge and belief his name is on my recommendation; George Bartram, Samuel Jackson, James Harper, Jr. no other on that paper that I recollect [taking another petition; the witnesses said—there is none on that—that I know—taking another petition—None on that.]

DOUGLAS. Did you ask Edward Fox for his recommendation to the Governor for you for the office of auctioneer, and if yea, what was his answer ?

Ans. I did; he refused saying, as near as I can recollect, that he had signed one, and would sign for no more, as it might interfere with his own arrangements, or something to that purpose, that one was Mr. Maurice Wurtz. I dont know that I had an explanation of reasons at that time, further than I have stated, I did know afterwards. I afterwards understood that he was an applicant for his son and had therefore refused.

DOUGLAS. Were your arrangements with Mr. Weir made before or after you received the notice of your appointment ?

Ans. After overtures had been made before, but nothing fixed, not even terms entered into.

DOUGLAS. State whether the reduction in Samuel Fox's salary by Lisle, Wier and Co. was made known to the Governor before you received the notice of your appointment.

Ans. There was no such firm in existence previous to my appointment, as Lisle, Weir and Co.

DOUGLAS. At what time did you enter into partnership with your brother-in-law Samuel Smith ?

Ans. The verbal agreement (there was no writing passed between Mr. Smith and me,) took place before I applied for the office.

DOUGLAS. Do you know whether your brother-in-law Mr. Smith would have been an applicant for the office of auctioneer if you had not been one ?

Ans. David Acheson Esq. was in Philadelphia about the time the election of Governor Findlay was known, perhaps before it was

absolutely ascertained; he is a strong friend of Mr. Smith and myself—a very warm one. At Mr. Smith's house a conversation took place respecting Mr. Smith's intention of applying for the office of auctioneer, and mine likewise. Mr. Acheson observed, that it would be useless for both of us to apply, being brothers-in-law. And that if we would agree among ourselves & fix on one of us who should apply, that he would assist that one, with all his friendship. Mr. Smith concluded I would stand the best chance, having been somewhat active in promoting the election of Governor Findlay, once having been run on the democratic ticket for assembly. I accordingly applied, and Mr. Smith agreed to go into partnership with me in case of success.

DOUGLAS. Did you make known to Samuel Smith your arrangement with Edward Fox, respecting his son Samuel ?

Ans. Yes.

DOUGLAS. Do I understand you to say, that the Governor could not have known of the arrangement to reduce Samuel Fox's salary, before you received the notice of your appointment ?

Ans. The arrangement to reduce Samuel Fox's salary was made after my appointment. The Governor never knew any particulars respecting any partnership accounts or any other part of the business until I came before the committee of the House, last year, when these things were made public, with the exception of so much as I told him, respecting my arrangement with Samuel Smith.

BREWSTER. Did the Governor at any time, directly or indirectly, attach any condition to your commission ?

Ans. Never; but on the contrary did assure me, when he mentioned his wish that the applicants should join, if convenient, (as I have stated in my evidence,) that when the commissions issued, they would issue to seven without condition.

BREWSTER. Do you know of any official misconduct of the Governor ?

Ans. No.

TODD. Do you know of any private misconduct, that has a bearing upon his official conduct ?

Ans. No, I do not.

WILKINS. When was the understanding formed between you and old Mr. Fox ?

Ans. In January, 1818, shortly after my return from Harrisburgh.

WILKINS. Was there any agreement with young Mr. Fox, before the one written by judge Barnes ?

Ans. None.

WILKINS. When did Mr. Edward Fox write to the Governor, withdrawing his application.

Ans. About the middle of January 1818, Mr. Edward Fox shewed me a rough draft of a letter, he was writing to the Governor, (or read it rather) stating to him, that, in consequence of arrangement he had made with me for his son Samuel, in case of my being appointed, he had withdrawn, or he withdrew his application for his son Samuel.

WILKINS. What was the consideration, for the agreement between you and young Mr. Fox ?

Ans. The consideration was that he should have the situation of chief clerk if I was appointed, at the same rate or salary that Mr. Wier paid his chief clerk, and Humes & Lippencot theirs, to wit, 2000 dollars per year.

WILKINS. You have stated the object of the consideration ; was the agreement in consideration of your getting the office of auctioneer, or in consideration of old Mr. Fox declining his application ?

Ans. It was the same as it would have been if Mr. Jenrings and I had gone into partnership and agreed that one should withdraw his application and unite in soliciting the office for the other. I have stated Mr. Fox's views were partnership, and I have stated my objections.

WILKINS. When you came up to Harrisburgh in January, did you inform the Governor of this arrangement with Mr. Fox ?

Ans. Never. I think it was made after I returned from Harrisburgh the last time. I did not think it necessary, neither could it be necessary, as Mr. Fox had written to the Governor that he had made an arrangement with me for his son in case of my being appointed, that satisfied him.

WILKINS. Did you, sir, ever by letter or otherwise, withdraw your name as an applicant ?

Ans. Never ; but on the contrary declared my intention to pursue my object to the last.

WILKINS. Suppose that young Mr. Fox filled the place of stage clerk with capacity, would you be willing to give him the salary of 2000 dollars ?

Ans. Certainly ; Mr. Wier gave the same to his stageman, and Mr. Humes to his.

WILKINS. Has he the capacity of a stage clerk ?

Ans. I cannot tell ; he never has been tried : the place was filled.

WILKINS. When you received the commission of auctioneer, did you consider yourself placed under any obligation by the Governor, to be encumbered with young Mr. Fox ?

Ans. None. Quite the reverse.

WILKINS. Was the engagement and salary of Mr. Fox, an arrangement between you and the Governor, or any one acting under his authority, or a private arrangement between you and Mr. Fox ?

Ans. The arrangement was between me and Mr. Fox. I had no arrangement whatever with the Governor—no condition, in any shape, other than the bond usually given by auctioneers.

WILKINS. Had the Governor any knowledge of the arrangements you have detailed between yourself and Mr. Wier, or between yourself and Mr. Smith ?

Ans. I have stated, that when I went before the Governor early in January, he mentioned his wish that the applicants should agree among themselves, thereby enabling him to oblige or accommodate more than he could without. I then informed him of my engagement with Mr. Smith, that I must therefore decline joining with any one of the applicants.

RANDALL. If you were now about to employ Mr. Samuel Fox, what do you think would be a fair compensation for the services he renders.

Ans. 1000 dollars, in the station he now holds.

RANDALL. If you were about to employ him generally, sir, without having fixed his station, what would you give him ?

Ans. I presume 1000 dollars. I cannot give you a positive answer to that question, for the reason I am now going to state :—Mr. Wier has the superintendance of that part of the business ; I attend to other business ; he fixed the salary ; I am satisfied.

MIDDLESWARTH. If Mr. Fox filled the station now, you agreed to give him, would you be willing to give him 2000 dollars a year ?

Ans. Certainly if he complied with the terms of his written contract now before you.

BLNNS. I want to know from you whether Mr. Lewis, the stage clerk, has ever been so much indisposed since you have been a partner in the house of Lisle, Wier & Co. as to be unable to discharge the duties of that station.

Ans. Not to my knowledge has he ever been so indisposed as not to be on the stage attending to his duty, excepting that from a weakness in his lungs, he was obliged to leave off crying at the sales, and in consequence, Mr. Wier, Mr. Ayr, or Mr. Jones, took that part of his business off him, he attending to other parts of the business on the stage. It may be necessary to add, that crying or selling goods is a faculty that every one does not possess; Mr. Fox has never been tried, I therefore do not know that he possesses it— We had three cryers without him.

BLNNS. What salary has Mr. Jones?

Ans. Mr. Jones has, I think, 800 dollars this year.

BLNNS. What had he last year?

Ans. I think last year he had seven, and this year eight: that is my impression.

DOUGLASS. Do not the salaries of clerks in an auction store vary with their stations?

Ans. Yes.

COXE. If it had not been for this agreement between you and Mr. Fox, would you have taken Mr. Fox in your store at all?

Ans. I cannot say.

COXE. What do you mean by the words in the agreement between you and Mr. Fox, "And the Governor has been pleased to consent thereto."

Ans. My answer is this, that agreement was executed after my appointment. I considered it as an agreement between Mr. Fox and me, to which the governor was not a party. I am not a lawyer, nor accustomed to draw writings. Mr. Fox must have drawn the inference from my being appointed.

Adjourned until 3 o'clock P. M. to-morrow.

SATURDAY, January 15, 1820.

[*Mr LISLE, in continuation.*]

BINNS. Have you, or have you not, accepted any drafts of the firm of Finley and Vanlear, of Baltimore?

Ans. Yes, sir, I have accepted drafts drawn by the firm of Finley and Vanlear, of Baltimore.

BINNS. What was the date of the first, and what was the date of the last draft which you accepted, drawn by the house of Finley and Vanlear?

Ans. First a draft drawn by Finley and Vanlear, of Baltimore, dated the 20th June, 1818, in favor of Keller and Forman, a house in Baltimore, and indorsed by them, and specially indorsed by James M'Cullough, cashier, to James Watson, assistant cashier, payable at sixty days sight, for \$7,500, accepted by me on the 23rd June, 1818, and paid at maturity.

The next a draft, dated August 22nd, 1818, at Baltimore, for 7,750 dollars, the same parties and the same indorsements, accepted 24th August, 1818.

The next is dated Baltimore, 16th of September, 1818, it is thirty days after sight, for 1850 dollars, accepted the 18th September, 1818. Same parties.

The next is dated 24th October, 1818, sixty days after sight, accepted the 27th October, 1818, for 3,980 dollars. Same parties.

The next is dated 24th October, 1818, seventy-five days after sight, accepted 27th October, 1818, for 3,590 dollars. Same parties.

Next is dated the 30th December, 1818, sixty days after sight, and accepted January 6th, 1819, for \$3,889 70. Same parties.

Next is dated 14th January, 1819, accepted 15th January, 1819, sixty days after sight, for \$3,480 60. Same parties.

The next is dated Baltimore, 8th March, 1819, and accepted the 10th March, 1819, sixty days after sight, for \$3,888 17. Same parties.

The next is dated the 18th March, 1819, accepted the 20th March, 1819, sixty days after sight for \$3,289 80. Same parties.

The next is dated Baltimore, 10th May, 1819, sixty days after sight, and accepted the 15th May, 1819, for \$3,787 65. Same parties.

I have now gone through the drafts entirely.

BINNS. Did you pay all those drafts at maturity ?

Ans. I did.

BINNS. How much does the house of Finley and Vanlear owe you at this time, sir ?

Ans. The balance on the 1st of January, 1820, crediting the house with sundry notes of country customers, received from them to cover the two last drafts, which I paid out of my own funds, excepting \$ 36 70 that I had in hand, that they over remitted ; the balance is \$ 552 19 $\frac{1}{2}$, against which I hold an assignment of the debt of Robinson and Schriver, of York, (Pa.) the debt was \$ 1,381 07—It is an order of J. W. Odenhimer, assignee of Robinson and Shriver. The assignee, J. W. Odenhimer, on the 20th of December last, paid me \$ 540 as the first dividend on the effects of Robinson and Shriver, which sum deducted from the balance due me by the house of Finley and Vanlear, on the 1st of December, viz. from \$ 1092 19 $\frac{1}{2}$, leaves the above balance of \$ 552 19 $\frac{1}{2}$, against which, I hold the balance of Shriver's debt, which is \$ 841 07.

I hold in addition to the country notes, as collateral security, a mortgage which is given by Thomas Finley, to William Findlay, the Governor, dated the 13th of July, 1819, conditioned for the payment of \$ 10,000, the 1st of August following, on a tract of land in Franklin county.

[See Appendix, No. 2.]

Memorandum on the mortgage :

“ It is understood that this mortgage is given to secure and indemnify William Findlay, against any monies that he may pay or engagements he may be answerable for, upon any security or guarantee given by him, on account of the firm of Finley and Vanlear, of Baltimore.”

Memorandum has no date.

I have now gone through the security.

BINNS. I wish to know what you mean by country notes, given as security to you, by Finley and Vanlear.

Ans. The notes of country merchants, given to them for groceries. Finley and Vanlear being in the country trade in Baltimore, as wholesale grocers.

BINNS. Were they payable at specific dates ?

Ans. Yes, sir.

BINNS. What was the amount of those notes in your possession, January 1, 1820?

Ans. \$5,949 71. Then add, sir, as an ornament to the top of the buildings, thirty-eight cents, and seventy-eight cents postage, that I omitted. I believe you have the amount complete on one side, the credits are on the other.

BINNS. Has any portion of this sum of \$5,949 71 cents, been paid you since the 1st of January, 1820?

Ans. No, sir. Some are sent to the western country for collection, and some are in my possession, not yet due. I have received nothing on those notes, the most of them are not yet due. These notes are my security, and the mortgage is collateral security.

BINNS. I want to know whether the sum of \$6,501 90½, be the sum which you are now in advance for the firm of Finley and Vanlear.

Ans. Yes.

BINNS. Did you or did you not receive any letter from Governor Findlay, on the subject of the acceptance of those drafts of the house of Finley and Vanlear, before you accepted them?

Ans. No, sir. That is I did not receive a letter direct from him; young Mr. Samuel Findlay was then an apprentice to John Steel; on the fifth of June 1818 he called at my counting house in Philadelphia; he held in his hand a letter which he said he had received on that morning, of Thomas Finley, desiring that he would call and enquire of me, whether it would be convenient and agreeable to suffer the house of Finley and Vanlear of Baltimore, occasionally to draw on me, at sixty days, to the amount of from \$6 to 8000 they engaging to place funds in my hands to cover the drafts at maturity, and stated that they would give the gaurantee of his father, in case I would allow them; I told him I would with the greatest pleasure; he then produced the guaranty, which I now hold in my hand, and said he would leave it with me. [*For guaranty, SEE APPENDIX No. 3.*] I immediately sat down as soon as Mr. Findlay left the room, and wrote to the house of Finley and Vanlear. [*SEE APPENDIX No. 4.*]

BINNS. Were the drafts of Finley and Vanlear accepted by the firm of Lisle, Wier and Co. or by John Lisle?

Ans. By John Lisle.

DOUGLAS. Would you have granted permission to the firm of Finley and Vanlear of Baltimore, to draw upon you for any sum not exceeding the amount of \$8000, if the Governor had never given you a guarantee?

Ans. I would have done so with the greatest pleasure, having the greatest confidence in the house. Mr. Finley was a director of the bank of the United States at Baltimore, and I in Philadelphia, the house was in high standing; I would have trusted them to a larger amount.

DOUGLAS. Am I to understand you Mr. Lisle to have a treble security for the payment of the drafts accepted by you and unpaid?

Ans. I have the guarantee of the Governor, which I have produced, I have the house in Baltimore, I have the notes that I have received from the house in Baltimore, and I have the mortgage.

DOUGLAS. When the Governor forwarded the mortgage to you at Philadelphia, did he accompany it with a letter?

Ans. Yes sir. [SEE APPENDIX No. 5.]

BINNS. I wish to know, did you not receive and keep in your possession the guarantee of the Governor, before you wrote to Finley and Vanlear to say that you would accept their drafts to the amount of 6 or 8000 dollars?

Ans. I received and kept it for five minutes before I wrote. The receipt of the guarantee, and my writings were simultaneous. I have stated as you will find if you refer to my testimony that immediately on the receipt of the guarantee which I received from Sam^l. Findlay, I sat down and wrote the letter of which you have a copy, I would further explain that I demanded no guarantee of young Mr. Findlay, he gave it to me without my requiring it.

DALLAS. Did you sir, or did you not entertain the least expectation at the time of writing to Finley and Vanlear, your consent to accept their drafts that you would ever be obliged to resort to the guarantee of the Governor?

Ans. I did not; I would have sold to the house of Finley and Vanlear, 20,000 dollars worth of goods on credit, if they would have bought them.

DALLAS. Have you Mr. Lisle any the least reason for believing the smallest portion of the money paid by you upon the drafts of Finley and Vanlear has ever gone to the use of the Governor of this commonwealth?

Ans. No. I have positive proof to the contrary as far as the letters of the house in Baltimore will go. I have them in my hands and will read them if required.

RANDALL. At the time you accepted the drafts of the house of Finley and Vanlear, had you any doubt of their being punctually paid by them ?

Ans. Not any doubt whatever, it is expressed in the letter.

RANDALL. Was this the first money transactions you had with the house of Finley and Vanlear ?

Ans. Yes. That house were agents for houses in Virginia, with whom I dealt, and goods passed through them, and occasionally remittances came through their hands.

RANDALL. Had you ever received from them, or rendered to them, any pecuniary favors before the acceptance of the first draft ?

Ans. None. I will venture to say—None.

RANDALL. Had you ever corresponded, sir, with the Governor of this commonwealth, previous to his election ?

Ans. No, sir.

RANDALL. Were you personally acquainted with him previous to that time ?

Ans. No, sir.

RANDALL. Did you ever receive, sir, any favor from the Governor of this commonwealth, laying out of view your commission ?

Ans. No, nothing, but common civility.

RANDALL. I mean pecuniary favors ?

Ans. No, sir.

DALLAS. Did you ever receive any pecuniary favors from John Jacob Astor, of New-York ?

Ans. No, sir.

DALLAS. Would you, or would you not, accept his draft for \$10,000 ?

Ans. Yes, sir, if he was an acquaintance ; of course I would not accept the draft of a person I did not know.

DALLAS. Would it be necessary, Mr. Lisle, that you should know Mr. Astor personally, or would it be necessary that you should

have received from or rendered to Mr. Astor any former pecuniary services ?

Ans. No, sir, it would not.

DALLAS. Do you think, sir, that any merchant would hesitate under such circumstances ?

Ans. No, sir, no merchant that had knowledge of the character of the house.

DALLAS. Or, sir, do you think that any merchant would hesitate, in relation to any mercantile house, held in the same estimation as you then held the house of Finley & Vanlear ?

Ans. I should suppose not, I cannot tell what another person would do.

COXE. Is not the house of John Jacob Astor, in New-York, a very wealthy one ?

Ans. Very.

COXE. Are they not considered as one of the wealthiest houses in America ?

Ans. There are wealthier houses, I believe ; I would take Stephen Girard in preference, I suppose, and a few others.

COXE. Have you ever heard their wealth estimated ?

Ans. No, sir, they are largely in trade.

COXE. Are they not the richest house in New-York ?

Ans. I think not.—I cannot say.

BLINNS. Would you give five shillings in the pound, on the debts of Finley & Vanlear ?

Ans. Yes, sir.

COXE. Be good enough to tell me whether you have accepted drafts to the same amount as those you have accepted from Finley & Vanlear, from persons with whom you had the same acquaintance you had with Finley & Vanlear, setting aside Thomas Finley's relationship to the Governor, your commission, and the Governor's guaranty ?

Ans. I have accepted for my friends in Virginia, without having a cent of guarantee, and without having a cent of commission or profit, to the amount of \$25,000, at one time, for one house.

RANDALL. I want you to state whether you have ever accepted, for any person, drafts to the amount of \$8000, when the commencement of your commercial connexion was the gratuitous acceptance of such drafts ?

Ans. I cannot remember, I probably have, I can state that I have to a smaller amount. There is an instance that I accepted drafts lately without any advantage, to the amount of \$5000.

RANDALL. How long have you been acquainted with that person.

Ans. More than ten or twelve years, but have had no mercantile transaction with him during that time.

RANDALL. Are you personally intimate with him ?

Ans. Before that time I had been, but I have not seen him for eight or nine years, I did it for friendship and old acquaintance.

WILKINS. When did Mr. Finley cease to be a bank director ?

Ans. He ceased to be a bank director at the last election for directors of the Baltimore Branch, some time last fall—he was not put in at the last election, in consequence, I presume, of the failure of the house.

COXE. Have you ever drawn on Finley & Vanlear ?

Ans. No.

COXE. Have you drawn on those friends for whom you mention you have accepted drafts ?

Ans. No.

DOUGLAS. Have you not understood, that if the debts due to the firm of Finley & Vanlear, of Baltimore, were paid, that that firm would not only be solvent, but in independent circumstances ?

Ans. Yes, sir, I have so understood, and I so believe, I understood so in Baltimore.

Adjourned, until 3 o'clock, P. M. on Monday next.

MONDAY, JAN. 17, 1820.

[*Mr. LISLE, in continuation.*]

BINNS. At what time did you receive the country notes from the house of Finley & Vanlear ?

Ans. September 25th, 1819, is the date of the letter, I presume I could not have received the notes before the 28th.

BINNS. In the letter of Governor Findlay to you, dated the 7th September, 1819, he says, "I have understood from my brother, that in addition to this security, (meaning the mortgage) if it should be deemed insufficient, he will place good notes due his house in your hands as soon as possible." Am I to understand you that these notes were received by you on the 28th of the same month ?

Ans. Yes, sir.

DOUGLAS. Did I understand you to say that the drafts drawn on you by Finley & Vanlear of Baltimore, were all duly honored by the funds of the same firm as they fell due, excepting the two last ; and that to meet the two last, they placed the notes of country merchants in your hands, gave you an assignment of a mortgage on Thomas Finley's farm in Franklin county, together with the guarantee of the Governor, and an assignment of a book debt of Robinson & Shriver ?

Ans. Yes, with the exception of a mistake which I made myself, that I will now state. It was my custom always to advise the house, when I accepted the draft to inform them of the day when I accepted it and the day it would fall due, in order that they might provide funds for the payment. In doing this I took from my note book the day one of the drafts would fall due, having added thereto the three days of grace ; but in writing the letter I forgot that I had added the three days of grace, and I added three days more, the money came perfectly regular at the time that I advised them the draft was payable, or one day I think before, but I did not discover the mistake in time to advise the house in Baltimore of it—The error was mine and not theirs, no fault was attached to the house at all.

DOUGLAS. Had the house of Buchanan & Smith, of Baltimore, drawn upon you before their failure for \$20,000, would you

not have honored their draft, provided they had apprised you of their intention to draw ?

Ans. From the opinion I had of that house at the time I accepted for Finley & Vanlear, I should have had no hesitation whatever.

DOUGLAS. Were not the causes of the failure of the house of Buchanan & Smith, of Baltimore, the same that caused the failure of Finley & Vanlear ?

Ans. I have understood so.

DOUGLAS. I wish you to state whether you know what that cause was.

Ans. The attributed cause was, the fall of the United States Bank stock, and the failure of the great number of houses occasioned by that fall.

BINNS. What do merchants mean, Mr. Lisle, when they say that funds have been remitted to them to meet notes or drafts ?

Ans. Money, or that which will produce it in time for the payment of the notes or drafts. The funds did arrive in time to meet the drafts, with the exception of one, that I added six days of grace to instead of three, and the two last drawn, which were paid out of my own funds.

JOHN BENJAMIN, Sworn.

BINNS. Did you serve a subpoena on Peter Gwinner, from this committee, and what passed between you and Peter Gwinner upon that occasion ?

Ans. On Friday the last day of December I arrived at Morrisville, some time after night, I then inquired of the landlord if there was a gentleman by the name of Peter Gwinner living in that neighborhood—his answer was—there was, I wished him then to be so obliging as to send for him ; on the return of the boy, he stated that he was not at home. After I had my supper I called at Mr. Gwinner's house myself, he was then not at home, they then sent for him to come home, and on his arrival home I drew out my subpoena that I had, and gave him a copy ; after he read it, he stated that if he had known that I would be there he would have been on the other side of the river.

BINNS. Did you understand him to mean in Jersey ?

Ans. Yes, sir. In answer to that I told him I was happy to find him on this side : he then said "What do they want with me there ?" —I told him that I did not know ; he then said "I know nothing about the Governor nor his transactions, I never had no interference with him nor neither do I know him ; if you had been represented to me as the Governor, I should not have known the contrary."

DALLAS. Does Mr. Gwinner live on the bank of the river ?

Ans. No. He lives about a quarter of a mile from the bank.

DOUGLAS. From your conversation with Mr. Gwinner, did you not know that his unwillingness to attend as a witness was, because he neither knew the Governor nor any thing relating to the charges which the committee were investigating ?

Ans. That was the way I understood by him, though at the same time, after that conversation took place, he then told me that he would attend.

JOHN FOX, Called again.

Mr. Gwinner, perhaps several days before he went away, spoke to me about going, I advised him not to go. I knew the nature of the business which required his attention, and I knew too, that it could not be delayed without great disadvantage to himself. He said he would be back on Wednesday, meaning to-morrow : he finally went away however, without previously telling me positively that he was going. When he spoke to me I understood him to say he would return on Wednesday.

BINNS. Do you know whether Mr. Gwinner has left any order to receive his pay and mileage ?

Ans. I do not.

: JOHN F. LEWIS, Sworn.

BINNS. Since you have been one of the firm of Lisle, Wier & Co., have you ever, Mr. Lewis, been so much indisposed as not to be able to discharge the duties of stageman ?

Ans. Never, sir, to my recollection ; I mean that I never was indisposed so much as to be confined in the house, I always participated in part, in the business on the stage.

BINNS Were you at Saratoga last summer ?

Ans. Yes, sir.

BINNS. When you were incapable from absence or indisposition to discharge the duties of stageman, who discharged the duties of that office ?

Ans. I generally appointed one of the young men in the store.

BINNS. Was Samuel Fox ever called to discharge the duties of stageman, sir ?

Ans. No, sir, in consequence of one or other of the young men that were in Mr. Wier's store having previously filled that place, and my wishing to bring them forward in the business.

BINNS. How long were you absent from Philadelphia on a visit at Saratoga ?

Ans. I think it was about ten days.

[*Here the charges against the Governor were read to the witness.*]

DALLAS. Mr. Lewis, you heard the charges, do you or do you not know any thing having any connexion with any one of those charges, or any thing that can tend to throw light thereupon ?

Ans. I am entirely destitute of information on this subject.

JOHN JENNINGS, Affirmed.

BINNS. Will you state to the committee what conversation you had with Mr. Bache, in consequence of a letter which he told you he had received from the then secretary of the commonwealth, Thomas Sergeant ?

Ans. Mr. Bache began by remarking that he had an application to make to me of a delicate kind, (I think was the expression), he said he had received a letter from Mr. Sergeant, requesting him, Mr. Bache, to know if I would take Mr. Samuel Fox as

a clerk, provided I was commissioned as an auctioneer ; he went on to remark, that as Mr. Lisle and Mr. Fox had an agreement, that he, Mr. Lisle, was to take Mr. Fox, and as it was understood that Mr. Lisle and myself were to be partners, he wished to know if I would assume that arrangement ; he said Mr. Sergeant was very anxious about it—I told him I would see Mr. Lisle upon the subject, I went to see Mr. Lisle, I believe I did see him the same day in the afternoon probably, and told him the conversation I had had with Mr. Bache—he said very early in this business that Mr. Edward Fox called upon him to know if he, Mr. Edward Fox, would give his influence to procure Mr. Lisle a commission, if he, Mr. Lisle, would agree to take his son Samuel, either as a partner or as a clerk, as a partner in the first instance, as I understood—and that he had agreed to take Mr. Samuel Fox as a clerk at \$2,000 per annum, with that understanding ; Mr. Bache mentioned this also—Mr. Lisle said he had done the thing in a hurry without much reflection, if he had it to do over again he would not do it Mr. Lisle said “that agreement does not bind you, and therefore you may do as you please.” He then asked me if I thought by refusing to take Mr. Fox, they would be likely to disturb us—I said no, I did not think they would, I believed it was a matter between Mr. Sergeant and Mr. Fox, and that the Governor knew nothing about it, and it was not probable that they would press it upon him, because said he, if you think they will disturb us, suppose you agree to take Mr. Fox, and the house or firm will pay what his services are worth and I will pay the balance of the \$2,000, I do not know that the words were express, but we were talking on the subject, and I understood it so.

I told him I should not agree to it in any shape—that it appeared to me like taxing a commission, or buying a commission. I left Mr. Lisle, and went to see Mr. Bache, to say to him that I should decline the arrangement ; I seen Mr. Bache either the second or third day after that, I think it was the second, I told him that I had seen Mr. Lisle, and that I should decline taking Mr. Lisle’s arrangement with Mr. Fox ; he urged me very strongly to accede to it, as a refusal might jeopardise my commission ; I told him that I could not help that, that I would not take a commission on any conditions—there was a good deal of conversation passed between Mr. Bache and me, that I do not recollect precisely, this is the substance of it.

QNS. Will you state what passed between Governor Findlay and Finley & Vanlear of Baltimore, and yourself, touching a request made to you to accept drafts to a certain amount in favor of the house of Finley & Vanlear?

Ans. All that ever passed between the Governor and Finley & Vanlear, and me, was by letter.

QNS. Have you got those letters about you, sir?

Ans. I have.

BINNS. I will thank you to hand them in the order of their dates?

Ans. The first letter I received upon that subject was from William Findlay, dated the 30th of January, 1818, at Harrisburg.
(See APPENDIX, No. 6.)

BINNS. Had you ever had any letters from Governor Findlay before, sir?

Ans. No sir.

BINNS. How often before the receipt of that letter had you been in company with Governor Findlay?

Ans. I really don't know, sir.

BINNS. When were you first introduced to William Findlay, the present Governor?

Ans. The first time that I recollect of being personally introduced to William Findlay, the present Governor, was in March. I think it was in March, 1817—that was in his office, at Harrisburg. It was the time that I came up from the city, as a delegate to the convention, to nominate a candidate for Governor.

BINNS. Had you ever had any commercial or pecuniary transactions with the Governor previous to the receipt of this letter?

Ans. Not any.

BINNS. How often do you suppose from the time you were introduced to William Findlay to the receipt of this letter, had you been in company with William Findlay?

Ans. I will go on and state all the times I recollect:—At the time I was at Harrisburg at the convention, I saw Mr. Findlay twice, I think, one time I was at his house. The next time I saw him was in Philadelphia after his election, and before his inauguration, I called upon him then in common with my other fellow citizens, I think once only—I saw him again when I was at Harrisburg in January, 1818. I called to see him occasionally while I was at Harrisburg. I was here some days, I don't recollect how many.

BINNS. What brought you to Harrisburg at that time, Mr. Jennings?

Ans. To ask for an auctioneer commission.

BINNS. Did you get it?

Ans. I got it afterwards, sir, in April I believe.

BINNS. What was the subject of the conversation you had with the Governor, which you suppose he referred to in the last paragraph of his letter?

Ans. I suppose he referred to the conversation in relation to appointing me an auctioneer.

BINNS. Had you then, or have you now any doubts, but that that was the subject referred to in the paragraph alluded to?

Ans. Not any.

BINNS. What did you in consequence of the receipt of this letter?

Ans. I did not do any thing in pursuance of that, a few days after I received a letter from Finley & Vanlear, dated Baltimore, 3d February, 1818.

(SEE APPENDIX, No. 7.)

BINNS. Have you got the inclosure?

Ans. I have not. The inclosure contained the Governor's guarantee for 10,000 dollars, which, agreeably to their request, I returned.

BINNS. Did you do any thing in consequence of the receipt of that letter?

Ans. I wrote the following, dated Philadelphia, February 5, 1818.

(SEE APPENDIX, No. 8.)

This is a copy of my letter, certified to by Messrs. Finley & Vanlear, which I believe to be correct. And in October last, they wrote for a copy of this letter to me, which I have just read. I sent them a copy, and requested a copy of mine in return.

BINNS. Was there any further correspondence between you and any of those gentlemen on this subject?

Ans. No.

BINNS. Are you an auctioneer at this time, Mr. Jennings?

Ans. No sir.

BINNS. When were you removed from office, Mr. Jennings?

Ans. I do not exactly recollect—I have the letters on the subject. (Reads a letter dated, October 21, 1819, inclosing a copy of a note addressed to John R. Neff.)

(SEE APPENDIX, No. 9 and 10.)

BINNS. Please to read the letter you wrote in consequence. (Reads a letter dated October 23, 1819, from Jenuings, Jones and Company, to the Governor.)

(SEE APPENDIX, No. 11.)

BINNS. Did you receive an answer?

Ans. Yes.

BINNS. Please to read it?

(Reads the answer, dated October 27, 1819.)

(SEE APPENDIX, No. 12.)

DOUGLAS. Did you promise to Mr. Lisle to keep secret a proposed partnership between you and him provided he would not be appointed auctioneer?

Ans. No sir, not in the way that Mr. Lisle puts that; and therefore it will require some explanation. I understood that that conversation with Mr. Lisle was a thing not proper for public information in any way—the way that men are in the habit of entering into partnership is, they do not make it public in the street.

DOUGLAS. Did you not state to the Governor, or the then secretary of the commonwealth, this partnership?

Ans. I shall now have to go back and state how I did state it, and why I did state it. At the time that the idea prevailed that the Governor was anxious that applicants for auctioneers should make the arrangements among themselves, I called upon Mr. Lisle to know if he was willing that I should communicate to the Governor the fact of our arrangement. Mr. Lisle, in reply, said that he was bound to go into partnership with another person if he got the commission, and therefore, could not do an act of his own that would lessen his chance of procuring that commission; but, says he, “If the proposition should come from the Governor, I am released from that obligation.” This, I considered an authority for me to communicate to the Governor in the manner that I did.

DOUGLAS. Will you please to state that manner?

Ans. I will; I was in Harrisburg some days before I saw the Governor alone, on the subject that brought me here; in short, he sent for me—he expressed his great anxiety that some of the applicants should agree to form arrangements or partnerships, so that he might

in effect accommodate some 10 or 15 out of the 7 commissions; he asked me if there were any among the applicants who I would be willing to take as a partner. I told him there was—he asked me to name the person—I told him Mr. Lisle. He asked me if there were any other applicants I would be willing to take. I told him there was not; I then told the Governor the arrangement between Mr. Lisle and me, which was to take effect if I was commissioned, and he, Mr. Lisle, was not commissioned; but that if Mr. Lisle was commissioned, he had a partner already engaged. (I believe that was all.)

DOUGLAS. Did you ever lead any person to believe, that although Mr. Lisle had not formally withdrawn his application for the office of auctioneer—yet that he was not anxious to be appointed, but was desirous of becoming a partner of yours?

Ans. I think it quite likely I have, for the best reason in the world—I believed it myself.

DOUGLAS. Did you mention that to the Governor, or to the then secretary of the commonweath, before you were appointed?

Ans. I do not recollect—but I think it likely I did to the Governor.

DOUGLAS. Did not Mr. Lisle expressly tell you that he was in duty bound to look for the appointment of auctioneer, and not to withdraw his application for that office, because he would rather hold it at the will of the Governor than at that of any individual—and because he had entered into partnership with his brother-in-law, Samuel Smith?

Ans. No sir; I dont recollect Mr. Lisle saying any thing of that kind to me, except what I stated a little while ago in answer to another question.

DOUGLAS. What was the highest salary your firm gave to any of your clerks in the auction store, the first year you were auctioneer?

Ans. \$2,000 the first year; after the first year, we gave Mr. Gill \$3,000, but we do not call him a clerk properly, he is a salesman. Salesman is a different department from stageman; they are connected together, but they are different, a salesman has various qualifications for all the departments of the business. What I mean by that, is, that he makes contracts, but not to large amounts, without applying to the principal. Mr. Poalk occupies that situation in the house of Humes and Lippincot, and it is the situation

that Mr. Weir occupied in his own house before he was in partnership with Mr. Lisle. Mr. Gill was the crier.

DOUGLAS. Did I understand you to say, that a salesman was a crier ?

Ans. Yes.

DOUGLAS. Was not Mr. Lewis the crier of Mr. Wier before he became a partner ?

Ans. Not knowing, cant say. I have understood that Mr. Lewis was in that situation since he has become a partner, indeed I have seen him in that situation since.

DOUGLAS. You state that Mr. Lisle asked you this question ? "Do you think they will disturb us ?" What was meant by they ?

Ans. I understood him to mean the Governor, the secretary and Mr. Bache, and all those that were concerned in that business. Mr. Edward Fox might be included, because I considered him as one. Then I gave as a reason, why I thought they would not, because I did not believe the Governor knew of the transaction, and that if they pressed it upon him, he would not listen to them for a moment.

DOUGLAS. Why do you include the Governor now, and you excluded him last year ?

Ans. I have stated now, what I then stated.

Adjourned until 3 o'clock, P. M. to-morrow.

TUESDAY, Jan. 18, 1820.

[*Mr. JENNINGS, in continuation.*]

DALLAS. What was the reputation of Mr. Samuel Smith, as a capitalist and merchant, at the time you contemplated making a partnership with Mr. Lisle ?

Ans. Very fair, I believe, I had no knowledge of his capital personally, I only now speak of his general standing.

DALLAS. Did you, sir, conceive yourself equal as a capitalist, to Mr. Samuel Smith?

Ans. No, sir. I never thought upon the subject.

DALLAS. What made you suppose, that Mr. Lisle would desire to abandon Mr. Samuel Smith, his brother-in-law, in order to become your partner, and, although the oldest man, to be second in the firm instead of the first?

Ans. From various conversations Mr. Lisle and I had upon that subject, together with the one when he proposed, that I might agree to take his arrangement with Fox, the house paying what his services might be worth, and he, Mr. Lisle, paying the balance of \$2000 if I were of opinion, that not agreeing to that arrangement might disturb us, as he expressed himself, that I considered conclusive as to my opinion.

DALLAS. Will you be good enough, Mr. Jennings, to detail to the committee, some of those various conversations to which you allude?

Ans. Why, I think I have detailed enough. It is impossible for me to relate the particular conversations at this distance of time. Mr. Lisle and I had very frequent conversations upon the subject. I now recollect one, in which Mr. Lisle called on me (or rather I was at his house) in which Mr. Lisle said, that Mr. Weir had intimated to him that he would be willing to form a partnership with him. Mr. Lisle desired to know, if I would be willing to include Mr. Weir in a partnership arrangement, if I was commissioned; I told him that I would, and he then stated, that one condition Mr. Weir insisted on was, that Mr. John F. Lewis should be also a partner, and some general conversation occurred, respecting the share he was to have, it was one sixth.

DALLAS. Was, or was not this conversation between you and Mr. Lisle, which you have just narrated as to Mr. Lewis, after Mr. Lisle had got his commission?

Ans. No, sir.

DALLAS. When you say, sir, that Mr. Lisle desired to know if "I would be willing to include Mr. Weir in a partnership arrangement if I got a commission;" do you mean to say, that those expressions of Mr. Lisle, made you believe that he wanted to form a partnership with you?

Ans. Why, I had believed it a long time before that, this was a sort of perfecting, as I understood it.

DALLAS. Now, sir, if you can recollect, and I want nothing that you cannot distinctly recollect, state to this committee what occurred to make you believe it long before.

Ans. I am unable to state it more particular than I have done before ; it was the manner, the general intercourse, the frequent conversations we had upon the subject, which I am not now able to detail.

DALLAS. Mr. Jennings, had you any capital, and if you had, what was its amount, when you proposed a partnership with Mr. Lisle ?

Ans. Why, if the committee please, I think this is coming a little too close to my private affairs. [The committee directed the witness to answer the question.] At that time my capital was in the firm of Worrell, Jennings & Co. by the books of that house, as near as I can recollect, I think it was between 35 and 40,000 dollars, I subsequently sold out to the other parties in the firm, for \$ 26,000.

DALLAS. Did you, or did you not, Mr. Jennings, state to Mr. Lisle, in any one of these various conversations, that your capital at that time, in the firm of Worrell, Jennings & Co. did not exceed 15 or 16,000 dollars, and that you could not get possession of that under a lapse of two or three years ?

Ans. No, sir, I stated to Mr. Lisle, as near as I can recollect, that I should not be able to get my capital out of the firm of Worrell, Jennings & Co. to put into the auction business for some time ; what time that was, I dont recollect, it was impossible to say. That question puts me in mind of another conversation I had with Mr. Lisle, which I will repeat. I was solicited very strongly, by Mr. Mifflin, to form an auction establishment, similar to the one I have been engaged in, with some of the same parties. I called upon Mr. Lisle to know if he considered me at liberty to make an arrangement with that house before the commissions issued, his answer was, that from what had passed between us upon the subject, he did not consider that I was at liberty so to do.

DALLAS. Was not Mr. Lisle's reputation, for capital, such at the time he obtained his commission, and before, that he might have made almost, what choice he pleased of a partner ?

Ans. I should think so, sir, any body who wanted to go into that business.

DALLAS. Did not Mr. Lisle after having obtained his commission, and notwithstanding his arrangement with Mr. Smith, take into partnership Mr. Wier, and was not Mr. Wier the most eligible partner that could be obtained ?

Ans. I believe he was. [Giving him the letter from Jennings, Jones & Co. to the Governor, dated October 23, 1819.]

[See Appendix, No. 11.]

DALLAS. Be good enough to state who wrote, or dictated that letter.

Ans. Part is mine, and part Mr. Jones', the principal outline is mine.

DALLAS. Was any other part of it written by any other person ?

Ans. No, sir.

DALLAS. Is that your hand writing to the petition for an enquiry into the official conduct of the Governor ?

Ans. Yes.

DALLAS. By whom, sir, was that petition presented to you for signature ?

Ans. I dont certainly recollect, I think it was Mr. Christian.

DALLAS. Alderman Christian ?

Ans. Yes, sir.

DALLAS. Were you, or were you not, sir, removed from office, before you signed the petition for an inquiry into the Governor's conduct ?

Ans. Before.

DALLAS. Do you think that you would have signed the petition for an inquiry, had you not been removed from office ?

Ans. I cannot tell, sir, I have generally acted independently on those occasions.

DALLAS. Do you, or do you not, belong to a small junto, in the city of Philadelphia, which is constantly engaged at its meetings, in collecting and arranging matter for attacks upon the character of the Governor ?

Ans. I do not know what the gentleman means by junto.

DALLAS. I will modify it. Do you, or do you not, belong to a small Hub, in the city of Philadelphia ?

Ans. I dont understand what the gentleman means by *Hub*.

DALLAS. Well, sir, do you, or do you not, belong to a small party, in the city of Philadelphia, which is constantly engaged as I have stated?

Ans. I believe I belong to a very large party. I dont know of any meeting or party, such as the gentleman speaks of.

DALLAS. Do you know of any disappointed applicants for office, or of any who have been removed from office, who have confederated to villify, or in any manner to injure the Governor of this commonwealth. If aye, state how many of them are petitioners, and please to tell me their names?

Ans. My answer is No, to that question.

DALLAS. Why did Mr. Lisle ask you to keep secret the arrangement which you allege to have been made between yourself and him?

Ans. I do not know, and I am not aware that he ever asked me so to do.

DALLAS. Did you not know, that when you told the Governor that Mr. Lisle would take you as a partner, you were defeating the very object for which Mr. Lisle asked you to be secret?

Ans. No. At the time that I communicated that fact to the Governor, I believed that I had authority so to do, and that it was Mr. Lisle's wish at that time.

DALLAS. Did you not come to Harrisburgh to solicit your commission in the same stage with Mr. Lisle, when he came to solicit his?

Ans. I did. It was the last time Mr. Lisle came up.

DALLAS. Did you say, Mr. Jennings, one word to the Governor about the partnership between yourself and Mr. Lisle, while Mr. Lisle was in Harrisburgh?

Ans. I did not. I had not a conversation with the Governor upon the subject of my commission until Mr. Lisle left Harrisburgh. He was very much engaged, generally, and he sent for me at the time I had this conversation

DALLAS. To how many persons did you speak about your alleged arrangement with Mr. Lisle, without Mr. Lisle's consent?

Ans. I do not know, sir, I never asked his consent about it, except the time referred to, in my examination yesterday.

DALLAS. Do you know who wrote the original petition upon which this inquiry has been instituted by the House of Representatives?

Ans. I do not.

DALLAS. Do you know, whether individuals were not appointed to circulate that petition, and to procure signatures to it. If aye, please to let me know some of the names of those who appointed, and those who were appointed?

Ans. I do not know of any such appointments.

DALLAS. Do you, or do you not know who circulated the petitions for the inquiry, and if you do, indulge me with some of their names?

Ans. I know from hearsay only.

DALLAS. But, Mr. Jennings, be good enough to tell me from whom you heard that such and such persons circulated those petitions.

Ans. I do not recollect any particular person. I saw it stated in the public papers that some persons, I think Mr. Christian and Squire Thompson, were circulating them.

DALLAS. Nobody else?

Ans. No, sir.

DALLAS. Do you know, sir, who wrote the letter addressed to Josiah Randall, Esq. chairman of this committee, dated, Philadelphia, 31st December, 1819, and signed John Thompson and Peter Christian.

Ans. I do not. The first time I ever saw it, was in the public newspapers, since I came to Harrisburgh,—I suppose it to be the same.

DALLAS. Since you have read that letter, sir, has any one informed you who wrote it?

Ans. No, sir.

DALLAS. Do you, or do you not, know who wrote or copied, or dictated, the letter which has been printed in the Democratic Press, since the beginning of this inquiry, and which, upon demand made by this Committee, has been disavowed by the editor of that paper?

Ans. I do not.

DALLAS. Has any one informed you who wrote, copied, or dictated that letter?

Ans. No, sir.

DALLAS. Has any one stated to you, that he knew who wrote copied, or dictated that letter ?

Ans. No, sir.

DALLAS. Were you, or were you not, at a consultation of the petitioners for this inquiry, during the late holidays ?

Ans. I was at one, or two, or three meetings of the petitioners, perhaps two, I do not recollect—whether it was during the holidays I cannot recollect.

DALLAS. Pray, sir, do me the favor to tell me who were present at that consultation, who spoke at it, and who took the lead ?

Ans. Why I believe there was nobody stood up to address a speech to the company, it was a general conversation.

DALLAS. Who were there ?

Ans. It is impossible for me to say all the names that were there ; for a great many of them I did not know, at least whose names I dont know. Mr. John Geyer, who was formerly mayor, I believe was there. Mr. Andrew Geyer, Alderman Christian, John Thompson, Esq. John Wurtz, I think was there. Mr. A. S. Coxe, Benjamin Reynolds, Mr. Binns, Dr. Hudson, I think was there.—That is all I can recollect, I cant call any more by name.

DALLAS. Do you, or do you not, know whether any individual has expressed a determination to write down the Governor of this commonwealth, and if aye, tell me who ?

Ans. I do not.

DALLAS. Did you attend any meeting in the city of Philadelphia, at which a determination was made to present the petition for inquiry to the legislature ?

Ans. No.

DALLAS. Did not the present charges against the Governor originate with John Binns, the editor of the Democratic Press, and his immediate friends, in consequence of their being turned out of, and disappointed in obtaining, offices ?

Ans. I believe not.—It is a matter of belief, at any rate.

COXE. Did you see any articles in the Franklin Gazette, reflecting on the petitioners ?

Ans. Yes, sir.

COXE. Do you know who wrote them, sir ?

Ans. I do not.

COXE. Did you ever hear any person say who wrote them ?

Ans. No, sir.

BINNS. Were you a witness before the committee of inquiry at the last session ?

Ans. I was.

BINNS. After you had been examined on that occasion, had Mr. Lisle and you any conversation touching your examination, and if you had, I will thank you to state to the committee what passed upon that occasion between you and Mr. Lisle ?

Ans. Mr. Lisle and I stopped at Mr. Buffington's at that time, and after the examination was either gone through or was progressing, I do not know which, Mr. Lisle told me a number of persons had called upon the Governor to request my removal in consequence of the disagreement in his testimony and mine on some particular points ; Mr. Lisle suggested that if I would alter some parts of my testimony, that, that would be a reason for retaining me in office—I told Mr. Lisle that I had delivered that testimony conscientiously and to the best of my recollection, and that I had no doubt he had done the same, and that I would not alter it for the purpose of retaining an office. Mr. Lisle observed at the same time, that he, Mr. Lisle and Mr. John Steel, both opposed the measure of my removal, and which I believe they did.

BINNS. Did or did not Mr. Lisle make an impression on your mind, by the conversation on that occasion, that if you did not alter or amend your testimony that you would, for having delivered it, be removed from office ?

Ans. That was the impression made on my mind at that time.

R NDALL. At the time Mr. Lisle proposed to you to become your partner, was the prospect of his appointment more remote than it had been theretofore ?

Ans. Mr. Lisle never applied to me, I applied to him. That was before the Governor was inaugurated that the arrangement was first made.

R NDALL. At the time you and Mr. Lisle made this agreement, was the prospect of his appointment more remote than it had been ?

Ans. No. The first time a conversation was had on that subject, was before the Governor was inaugurated, I think before I had my recommendation out for signatures.

RANDALL. I want to ask of you, whether you have expressed your disapprobation of some of the acts of the Governor now complained of, before you were removed from office ?

Ans. I have, sir, my language upon that subject I believe has always been the same.

RANDALL. Do you believe, sir, that that expression of opinion was one of the causes that produced your removal from office ?

Ans. I do.

DOUGLAS. Did ever you express that opinion to the Governor ?

Ans. No, sir.

DOUGLAS. Do you know of your own personal knowledge, that ever your opinion came to his ears ?

Ans. I do not.

BINNS. Did you ever communicate your disapprobation of the Governor's conduct in relation to the call upon you to accept drafts to the amount of \$10,000, to any of the relations of the late secretary of the commonwealth ?

Ans. I did.

BINNS. To which of them did you communicate it ?

Ans. To Mr. Bache.

BINNS. Did or did not Mr. Bache say, that he would forthwith communicate the facts and his disapprobation of them to the then secretary of the commonwealth ?

Ans. I do not recollect that he did, there were four gentlemen present at that time. I first communicated it to Mr. Bache alone, and in the afternoon of the same day it was communicated to Mr. Dallas, Dr. Jackson, and the chairman of this committee.—It was agreed there on all hands, I cannot recollect the precise conversation, that it was a corrupt transaction, and that on no account, I think Mr. Dallas said, should the secretary be made acquainted with the contents of that letter (meaning the Governor's letter to

me), that Mr. Sergeant should not be made acquainted with the contents of that letter, because the moment he knew its contents, he must resign his office.

BINNS. Was there any reason given, sir, why he must resign if he were made acquainted with the contents of that letter?

Ans. It was considered that he could not remain secretary of state with the knowledge of a transaction, in the opinion of those gentlemen, so corrupt. Mr. Dallas, I recollect particularly, referred to the last paragraph of the letter, as marking the character of the transaction.

BINNS. What was the substance of the last paragraph of that letter?

Ans. That he claimed or expected nothing in consequence of the conversation had with me when he saw me last.

BINNS. Was any reason given, why that paragraph was considered as marking the character of the letter?

Ans. I think Mr. Dallas said it was put in the strongest way that it could be put.

BINNS. What do you mean by "it"?

Ans. I will go on to explain, it was put in the strongest way it could be put, because at the same time that he expected or claimed nothing, he reminded me of the conversation.

BINNS. What was that conversation about?

Ans. It was about the commission that I expected to get.

DALLAS. Have you or have you not since the meeting of this nefarious little Hub, at which the corruption of the Governor was so solemnly adjudicated, subscribed your name in order to give a dinner in honor of that corrupt Governor, on his arrival in the city of Philadelphia?

Ans. I did.

DALLAS. When was that, sir?

Ans. I really do not know, sir, I believe it was last summer—perhaps in June.

DALLAS. Do you, sir, or do you not recollect, that at the meeting of this pretty little Hub, you and the chairman of this com-

mittee declared, that the Governor's letter in relation to the sum of 10,000 dollars had entire reference to the treasury business ?

Ans. I do not recollect that, sir ; I recollect when I first showed the letter to Mr. Bache, he said he believed it had a connexion with the 10,000 dollar treasury business ; and that I and the chairman of this committee, as well as Mr. Dallas, Mr. Bache and Dr. Jackson, may have had the same opinion on the subject ; but I do not recollect their expressing it upon that occasion.

DALLAS. Do you, or do you not recollect, that in this grand convocation of censors, the idea of corruption in that letter which you assert to have been entertained on all hands, was entirely predicated upon its supposed connexion with the treasury business ?

Ans. No, I do not.

DALLAS. Were you or were you not authorised by your confidential correspondent, the Governor, to submit that letter to the perusal and consideration of this little judicial committee ?

Ans. I had no authority except what was contained in the letter itself. I believe I will now state how I came to state the contents of the letter. I was at Mr. Bache's one morning and a conversation ensued about the Governor and about the appointments that were expected, and matters of that kind. Mr. Bache was very free in giving his opinion in condemnation of the Governor's conduct—among other things stated, the Governor was in the habit of sending letters, or letter, (letters I think was the term he used), under cover, to him, directed to Finley & Vanlear of Baltimore, and said that he was much surprised at a thing of that kind, and what a fool he was to put himself so much in his power by doing so ; and that he believed there was something wrong in it, or he would not resort to that mode of conveyance. This sort of conversation led me to remark that I had received a letter from the Governor, which I considered of a singular character, to say the least of it. He asked me to shew it him, I did so—it was on that occasion he said, he believed that it had connexion with the \$10,000 treasury business.

THOMAS AMIES, Sworn.

Do you know of any matter or thing contained within the charges against the Governor by the petitioners, or of any other official misconduct of the Governor ?

No, sir, not of my own knowledge, nothing but hearsay.

Adjourned until 3 o'clock P. M. to-morrow.

WEDNESDAY, January 19, 1820.

[*Mr. JOHN JENNINGS, in continuation.*]

From Mr. Bache's house I returned to my store; some little time after Mr. Bache called on me and observed that he had been thinking of that letter since, and said he considered it of much more importance than at first view it appeared to him, and asked me if I was willing to submit it to the consideration of a few friends—to that I objected—but after some solicitations, agreed to the proposal—names were mentioned by him and by myself, and finally, it was agreed to submit it to Mr. Bache, Mr. Dallas, Dr. Jackson, Josiah Randall and myself. We were to meet at Mr. Bache's house in the afternoon of that day. We accordingly met there, and I stated to the gentlemen that I wished it to be distinctly understood, that in submitting the contents of that letter to them, that they were not to make any use of it, without first obtaining my approbation; this was agreed to by all the gentlemen present. The letter was then shown and each gentleman gave his opinion in very strong terms upon the character of the application, they all agreeing that the letter itself was, to say the least of it, a corrupt transaction, and that none of them, with the knowledge of that fact, could ever support the re-election of Mr. Findlay. Some discussion took place about communicating the contents of this letter to Mr. Sergeant, then secretary of state. I believe it was the opinion of all present, that it would not be proper to communicate it to Mr. Sergeant, for the moment he knew it he must resign; it was also agreed that one other person should be made acquainted with the letter, who was then at Harrisburgh, Mr. John Binns. I acquainted Mr. Binns of the facts in connexion with the letter soon after his return from Harrisburgh. I also shewed that letter to Mr. William Worrel, my then partner, at the moment I received it, under the same injunction of secrecy. Some time after this, Mr. Josiah Randall, Mr. Bache, Dr. Jackson and myself, had a meeting upon another subject, in which it was mentioned that that letter had got to the public ear, and had become the subject of conversation out of that circle—Mr. Bache admitted that he had mentioned it to Judge Barnes. In that manner I suppose the letter became public. There was another circumstance, which I omitted to mention. It was a matter of discussion at the first meeting at Mr. Bache's, whether it was proper to make the letter public at that time.—Mr. Josiah Randall, if I recollect right, was in favor of its publicity; and that course was objected to by some, because if that course was pursued, Mr. Frick and his friends would get all the offices—the appointments at that time not having been made. I do not speak of all, because I cannot recollect distinctly—but I know that was the reason assigned.

DOUGLAS. Have you had your memory refreshed upon this subject since you gave in your testimony yesterday afternoon?

Ans. No, sir.

DOUGLAS. Do you say, sir, upon your oath, that you have not spoken upon this subject since yesterday afternoon?

Ans. I do, sir, most unequivocally.

DOUGLAS. Is not John Lisle held in public estimation, as a man of strict honor and veracity?

Ans. I believe he is, sir.

DOUGLAS. Did not Mr. Lisle caution you not to state to the Governor, the arrangement between himself and you, when he was about to leave Harrisburgh?

Ans. No, sir, I do not recollect that he did.

DOUGLAS. Please to state the time when the draft for 10,000 dollars, from Messrs. Finley & Vanlear, of Baltimore, was presented to you?

Ans. That house never drew a draft on me.

DOUGLAS. When was the application for permission to draw upon you for \$10,000, from Messrs. Finley & Vanlear, of Baltimore, presented to you?

Ans. I received it through the post office, on the 5th of February, 1818.

DOUGLAS. If you refused permission to Messrs. Finley & Vanlear, of Baltimore, to draw upon you for \$10,000, because, as you have stated, you believed the transaction to be corrupt, by being related to the treasury business, why did you state reasons so very different in your letter to them?

Ans. It is not very likely that I should state the real reasons to that house—I being an applicant to the Governor for a commission at that time—the reasons stated in that letter were true as far as they went.

DOUGLAS. Who was the senior partner in your then firm ?

Ans. William Worrell.

DOUGLAS. Did you consult Mr. Worrell respecting this application from the house of Finley and Vanlear, of Baltimore, to draw upon you ?

Ans. I did not.

DOUGLAS. Did you shew the letter containing the application to you, to Mr. Worrall ?

Ans. I do not recollect shewing that. I recollect shewing him the Governor's.

DOUGLAS. Did you return the Governor's letter in your answer to Messrs. Finley and Vanlear, of Baltimore ?

Ans. I did. The Governor's letter containing the guarantee was received from them, and returned to them, by their request.

DOUGLAS. After this application by the house of Finley and Vanlear, for permission to draw upon you for \$ 10,000, and your refusal, were you not commissioned an auctioneer of the city of Philadelphia ?

Ans. I was.

DOUGLAS. You stated, that at that conference you had with some of your friends, respecting the application for permission to draw upon you for \$ 10,000, and which was accompanied by a letter from the Governor, that that transaction of the Governor was considered on all hands as corrupt, and that if Mr. Sergeant, the then secretary of the commonwealth, had a knowledge of it he would be obliged to resign. How could you reconcile it to your conscience, as a man of upright mind, to accept an office from so corrupt an officer, as you then believed the Governor to be ?

Ans. Why, sir, I did not suppose, that that fact would lessen the value of the commission.

DOUGLAS. Am I then, to understand you to say, that you would accept an office under any circumstances, however so corrupt ?

Ans. No, sir, I have nothing to do with the corruption of the transaction. I do not know that that would be any bar to my receiving the commission.

DOUGLAS. What were the terms of the sale, of your share of the firm of Worrell, Jennings & Co. and which you disposed of for \$ 26,500. I mean how was that sum to be paid ?

Ans. It was to be paid in notes of the firm of William and John R. Worrell, the remaining partners.

DOUGLAS. Please to state what credit the purchasers were to have for that share of the firm which you disposed of.

Ans. The sale was made in the first place at twelve months, for \$25,000. I afterwards agreed to give them two years by adding the interest, which made it \$26,500.

DOUGLAS. State the time, as near as you can recollect, when you disposed of your share of that firm.

Ans. I do not know what the gentleman means by disposing.

DOUGLAS. State the time when you sold your share of the establishment of Worrell, Jennings & Co. as near as you can recollect.

Ans. I think somewhere about the 1st of April, 1818, the notes to be dated on the 1st of January, of that year.

DOUGLAS. Please to state, sir, whether this share of yours in the firm of Worrell, Jennings & Co. and which you sold on the 1st of April, 1818, was all the capital you then had.

Ans. It was.

DOUGLAS. You state that you sold your share of the firm of Worrell, Jennings & Co. on the 1st of April, 1818, for 26,500 dollars, and for notes of the remaining part of that firm, payable in two years, from the 1st of January, 1818. I wish you now to state, if any portion of that sum is paid, and if aye, please to state how much.

Ans. I must object to that question, not as regards my own interest, but as regards the interest of others. It is on account of William and John R. Worrell, that I object.

[The committee directed the question to be answered.]

Ans. About \$11,000 of that debt is paid.

DOUGLAS. Please to state how, and when, those 11,000 dollars were paid.

Ans. The notes were taken at an average time, commencing at twelve months, and ending at thirty-six months, about 11,000 dollars of those notes are paid. They began to fall due the 1st of January, 1819, and fell due monthly, 1,000 dollars a month.

DOUGLAS. When were they paid?

Ans. 4th January, 1819, 1,000 dollars were paid, they were paid as they fell due; 4th of February, 4th of March, 4th of April, 4th of May, 4th of June, then I exchanged a house with them for six more, which makes 12,000 dollars. That house I sold some few months ago, and got the money for it, 5,700 and odd dollars.

DOUGLAS. Have any of the remaining notes been paid?

Ans. No, sir.

DOUGLAS. Have not some of the remaining notes fallen due since?

Ans. Since, some time in August, I gave them a farther extension of nine months, with interest.

DOUGLAS. Please to state what amount is due you at this time, from the firm of William and John R. Worrell.

Ans. It is somewhere, I think, about 20,000 dollars, they owe me some money I lent them. I speak from memory.

DOUGLAS. Please to state in what month you were removed from the office of auctioneer.

Ans. My commission was vacated on the 1st of November, 1819.

DOUGLAS. State as near as you can recollect, the time when you have said Mr. Lisle called on you to inquire whether, in case you were appointed auctioneer, and he not, you were willing to form a partnership with Mr. Wier, that would likewise include Mr. Lewis, and of the profits, of which Mr. Lewis was to have the one sixth.

Ans. I did not say that Mr. Lewis was to have the one sixth, I stated that it was so proposed. I can only recollect that time by reference to the conversation I had with him about Mr. Fox; at the time I left Mr. Bache's, it was about that time, I think. I rather think it was after that, that was somewhere about the middle of March, 1818.

DOUGLAS. You have stated that at Mr. Buffington's, last year, you had a conversation with Mr. Lisle, in which conversation you stated that Mr. Lisle informed you of his fears, that a number of persons had thoughts of applying to the Governor for your removal; and that he, Mr. Lisle, wished you to consent to the alteration of some points in your testimony, which differed from his. I wish you to state now, sir, whether, when you had the conversation at Mr. Buffington's, the proceedings of the committee, in that case of inquiry, were not then closed, and if you were not then about to leave Mr. Buffington's for Philadelphia?

Ans. I cannot say whether the testimony was closed or not, nor do I mean to say that the testimony as delivered was to be altered,

or whether I was to say to Mr. Lisle I was mistaken in a part of my testimony. My impression is, that his suggestion was, that I should say that I was mistaken in some part of my testimony, not that I was to alter it, that is my present impression. I think it was shortly before I left Harrisburgh ; I cannot say whether it was a day, or two, or three.

DOUGLAS. I wish you to say whether it was not immediately before you left Harrisburgh that this conversation took place ?

Ans. I dont recollect.—I rather think not.

DOUGLAS. Did this conversation, which you have related, take place at Mr. Buffington's between Mr. Lisle and yourself, before or after your removal from the office of auctioneer ?

Ans. Before.

DOUGLAS. State how long before your removal this conversation was had ?

Ans. I dont recollect the month we were up here. I should think it was about nine months ; it was the time we were at Harrisburgh, in February ; I was removed in November.

DOUGLAS. Did Mr. Lisle inform you, that in case he should receive a commission for the office of auctioneer, that he would take Samuel Fox as stageman, or partner ?

Ans. He did not tell me that he would take him for either situations ; he told me he was to take Mr. Fox at \$2000 a year, but did not tell me the station he was to give him.

DOUGLAS. Did you not understand, in your conversation with Mr. Lisle, that if he would not be appointed auctioneer, that in that case his contract with old Mr. Fox, for the benefit of his son, would be null ?

Ans. I did so understand him.

DALLAS. You state, sir, in your letter to Messrs. Finley & Vanlear, " And without consulting my partners upon this subject, I know they could not consent to it." I wish to know, sir, whether you did or did not consult Mr. William Worrell, the senior partner of the house, upon that subject ?

Ans. I did not.

DALLAS. Did you, or did you not, show to Mr. William Worrell the letter of the Governor, addressed to you upon this subject ?

Ans. I did show him the first letter, dated the 12th January.

DALLAS. And do you say, sir, that although you showed the Governor's letter to your partner, yet you did not consult him about the acceptance of the drafts?

Ans. I did not.

DALLAS. (*Holding in his hand a petition to the House of Representatives, praying for an inquiry into the conduct of the Governor.*) I see subjoined to this petition the name of Benjamin Reynolds—Will you be good enough to inform me whether he has, or has not, been removed from the office of Inspector of salted provisions for the port of Philadelphia?

Ans. I believe he has.

DALLAS. Can you tell me, sir, at what time he was removed?

Ans. No, I cant exactly; his case was in court on the Monday I left Philadelphia to come here. He disputed the Governor's right to remove him, and that case was in court. I learn by the newspapers that his case is decided in court, that he is legally removed.

DALLAS. Will you be good enough to tell me how long before his case was in court he was removed.

Ans. I dont know that.—I believe he got a notice, or was removed, about the time I was, the 1st of November.—I dont know positively.

DALLAS. I see also, sir, the name of Peter Christian annexed to this petition. Was he not removed from the office of Inspector of flour?

Ans. He was Inspector of flour, and is now alderman.—I dont know of my own knowledge whether he resigned or was removed.—I presume he was removed.

DALLAS. Do you, or do you not know that Peter Christian was anxious to continue Inspector of flour.

Ans. I do not know it of my own knowledge, I only know it from hearsay, I believe the fact is so.

DALLAS. I see also the name of B. Canonge here. Be so good as to tell me whether he was not a disappointed applicant for office?

Ans. I do not know, but I believe not.

DALLAS. Do you say, Mr. Jennings, that you do not know that Mr. B. Canonge desired that the Governor of this commonwealth would give him, or any one with whom he was interested, the commission of auctioneer?

Ans. I do say that I do not know it.

DALLAS. Was or was not the brother of Mr. B. Canonge an applicant for office?

Ans. I believe he was.

DALLAS. Did he get it?

Ans. No.

DALLAS. I observe also, the name here of Matthew Randall; be good enough to tell me, sir, whether he has not been removed from office?

Ans. I believe he has, sir, and that he is now appointed to another?

DALLAS. By the Governor?

Ans. By the Mayor of the city.

DALLAS. When was he removed?

Ans. I cannot tell—some time during the last summer, I think, or spring.

DALLAS. I observe also the name of John Jennings, who has, I believe, already stated that he was removed from office?

Ans. Yes, sir.

DALLAS. I want in addition, to know whether he was not removed before he signed this petition?

Ans. He was.

DALLAS. And after he had subscribed to give a dinner in honor of the Governor of the commonwealth?

Ans. Yes.

DALLAS. I observe here, also, sir, the name of A. S. Coxe.—Be good enough, sir, to tell me whether that gentleman's father has not been removed from office?

Ans. I do not know, of my own knowledge.

DALLAS. Do you or do you not know, sir, that he occupied the station of clerk of the Quarter Sessions, for the county of Philadelphia?

Ans. He was clerk of some court, I do not know what court it was.

DALLAS. State whether Mr. Coxe occupies that station now?

Ans. No—I believe not.

DALLAS. I see here also, the name of John Binns—Will you be good enough, sir, to let me know whether he desired to be an alderman of the city of Philadelphia?

Ans. I do not know that he did.

DALLAS. Will you be good enough to let me know whether he was formerly a bank director on behalf of the state?

Ans. He was.

DALLAS. Is he so now?

Ans. He is not.

DALLAS. Do you know, sir, whether he was formerly an Aid to the Governor of Pennsylvania?

Ans. No, I do not know it only by report—I believe he was.

DALLAS. Is he so now?

Ans. I believe not.

DALLAS. Do you or do you not know, sir, whether he was or was not, public printer for any one branch of the government, executive or legislative?

Ans. I do not know that he was.

DALLAS. Is he so now?

Ans. I do not know.

DALLAS. You have stated in a former part of your evidence, that the opinion expressed on all hands, at a meeting of what perhaps, may be fairly called the branch Hub—that the letter from the Governor to you was corrupt; was not predicated on the supposed connection of that letter with the treasury business. If that be the case, I want you distinctly to state to this committee, upon what it was predicated?

Ans. Upon the circumstance of the Governor calling upon an applicant for office to accept drafts or to comply with the terms of that letter, that Governor having the power to appoint or not appoint, that person to office. There was a good deal of conversation I know, upon the subject.

DALLAS. I perceive, sir, also upon this petition, the name of John Geyer—do you or do you not know, sir, whether he was a disappointed applicant for office?

Ans. I do not know whether he was.

DALLAS. Do you know, sir, whether Mr. John Geyer wanted to be an auctioneer?

Ans. I do not know that he did.

DALLAS. Do you know, sir, of any of the petitioners for this inquiry, who were desirous that the applicants for auctioneer-ships, should form partnerships among themselves, and who communicated that desire to the Governor, and who themselves at the same time were not applicants for that commission?

Ans. No, I do not, sir.

DALLAS. [*Showed a letter to the witness.*] Whose hand writing is this?

Ans. I think it is Mr. Binns'.

[Letter from John Binns to the Governor, dated Philadelphia, March 23d, 1818. See *Appendix, No. 13.*]

Adjourned until 3 o'clock to-morrow, P. M.



THURSDAY, Jan. 20th, 1820.

[*Mr. JENNINGS, in continuation.*]

BINNS. I wish you, sir, to state, whether you ever have had or whether you now have, any doubt but that Mr. Lisle wished you to consider yourself at perfect liberty to mention his agreement with you to the Governor, if the Governor should make enquiry of you to that effect?

Ans. I do not know. As to Mr. Lisle's wishes I cannot say, as to that; I considered myself authorised by what he said, to be at perfect liberty so to do.

BINNS. Suppose the same inquiries had been made of you, by the Governor, before Mr. Lisle left Harrisburgh, as were afterwards made by the Governor, when Mr. Lisle had left town, would you have hesitated to have given the Governor the same information while Mr. Lisle was in Harrisburgh, as you gave him after Mr. Lisle had left it?

Ans. No.

BINNS. Do you wish to be understood to say that from the time in October or November, 1817, when you came to an understanding as to a partnership with Mr. Lisle, to the time when the notices were served, in March, 1818, that Mr. Lisle at all times held you so bound by that understanding, that he would not consent nor permit you to enter into any other preliminary agreement or partnership if you should get the commission and he should not?

Ans. I can only speak of Mr. Lisle upon that subject, from the time I called upon him to ask that permission.

BINNS. Will you please to state what time that was, sir, I mean, that you called on him to ask that permission?

Ans. I rather think it was in February, 1818, as near as I can tell.

BINNS. Did you then distinctly understand that Mr. Lisle prohibited you from making any arrangement which could interfere with the arrangement you and he had before agreed upon?

Ans. I did.

BINNS. Do you suppose the partnership you formed after the receipt of the notices, that you would be appointed auctioneer, was in all respects as desirable and as profitable as any partnership you could have made with Mr. Lisle—I mean excluding the agreement to pay \$2,000 a year to Samuel Fox?

Ans. I believe it was as profitable and quite as agreeable to me.

BINNS. At the time you received the Governor's letter concerning the acceptance of drafts, to the amount of \$10,000, do you think that at that time you would or would not have submitted that letter to the nefarious little Hub, of which Mr. Dallas was a

member, or to any other meeting of persons, if you had not been solicited so to do by Mr. Bache?

Ans. I do not believe I should.

BINNS. Who was it handed you the subscription paper for a dinner to the Governor? I mean, last summer.

Ans. Jeremiah Piersol.

BINNS. Is Jeremiah Piersol an office holder, and if he be an office holder, what office does he hold?

Ans. I believe he is an auctioneer.

BINNS. Were there any names subscribed to that paper before yours?

Ans. Yes, sir.

BINNS. I would thank you to mention the names of as many of them as you recollect?

Ans. Mr. Piersol was one, and I think Mr. Steel.

BINNS. Do you recollect any other?

Ans. No, I do not—certainly there were not many signers when it was presented to me.

BINNS. Had you ever an opportunity of ascertaining how many signers there were to it?

Ans. I never saw it afterwards.

BINNS. Was there any expression of approbation of the Governor's conduct written on this paper to which you subscribed your name?

Ans. I do not think there was.

BINNS. I wish to know at what time it was, you first showed the Governor's letter—I mean the one which you submitted to the consideration and adjudication of the judicial tribunal which met at Mr. Bache's, to John Binns?

Ans. I think it was about a year after that, sir.

BINNS. Can you tell, sir, how long John Binns was a director of the Bank of Pennsylvania, on the part of the state?

Ans. About six years, I think.

BINNS. Do you know when his name was last used as a candidate for that office?

Ans. The session before last I believe it was.

BINNS. Do you know of your own knowledge whether, on that occasion, John Binns was or was not anxious as to the result of the election?

Ans. I heard you say about that time, that you cared very little about it.

BINNS. Do you mean before or after the election?

Ans. I mean before.

BINNS. Do you know by how many votes John Binns lost his election, in 1818?

Ans. I recollect that the successful candidate had one more vote.

BINNS. Have you any knowledge of the house of representatives of Pennsylvania, having passed a vote, especially approving of the conduct of John Binns, as a bank director?

Ans. I believe there was a vote of approbation passed in 1813—14, or 1814—15.

RANDALL. Was there ever any thing said between you and Mr. Lisle, relative to the capital which you were to bring into the business?

Ans. There was something said upon that subject—I recollect stating to Mr. Lisle, that I could not bring any at that time.

RANDALL. At this meeting at Mr. Bache's, who was most violent in his opposition to Mr. Findlay?

Ans. Why, we were all pretty strong upon that subject—I think Mr. Dallas evinced more violence upon that occasion than any other.

RANDALL. Was not, sir, the opposition of Mr. Dallas and Mr. Bache, and the other gentlemen present, of a general nature, separate and distinct from that transaction of the 10,000 dollar draft?

Ans. It was.

RANDALL. Was it generally understood, sir, that Mr. Reynolds was opposed to the state administration before his removal?

Ans. Yes, sir, I believe so, he never concealed his opinions—I have heard him speak pretty freely upon that subject.

RANDALL. Was it generally understood that Mr. Randall, late recorder of deeds, was unfriendly to the administration, previous to his removal from office?

Ans. I believe so—I understood him so.

MIDDLESWARTH. Do you know of any misconduct, in the Governor, other than that contained in the charges you have heard read?

Ans. No, sir, not of my own knowledge.

[**RICHARD BACHE**, called again.]

COXE. Was there a letter published in the Franklin Gazette, on the 27th August last, purporting to be a letter from William Findlay, now Governor of Pennsylvania, on the subject of the 10,000 dollar draft that he proposed should be drawn on John Jennings, by the house of Finley & Vanlear, of Baltimore, of which his brother, Thomas Finley, was a partner?

Ans. I do not recollect the precise time—somewhere about that date there was a letter of that kind published in the Franklin Gazette.

COXE. Have you got a copy of that letter with you?

Ans. We are not in the habit of preserving papers, we burn them.

COXE. From what did you get the copy that you printed in your paper?

Ans. From the Governor's letter—I believe the letter was copied by Mr. Norvell, my partner, and the type was set up from that copy.

COXE. You say you do not know where the copy is that you printed from?

Ans. I do not know whether it was returned to the person to whom it was written, Mr. Sergeant, or whether it was burned—Mr. Norvell had the letter, I had it not, although I read it.

COXE. Do you recollect the date of that letter ?

Ans. No, sir.

COXE, Do you know how long it was dated prior to the publication ?

Ans. I do not recollect the date; it was received, perhaps three or four days before the publication.

COXE. Do you recollect whether that letter was or was not dated on the 16th of August, 1819 ?

Ans. I do not recollect as to the date at all.

COXE. Do you recollect whether it was dated a month, or two weeks prior to the publication in the Gazette ?

Ans. I do not, sir.

COXE. At what place was it dated ?

Ans. I think it was dated at Chambersburg.

COXE. Where was Mr. Sergeant when he received it ?

Ans. In Philadelphia, sir.

COXE. Did you ever see the original in the hands of Mr. Sergeant ?

Ans. Yes, sir, he shewed it to me.

COXE. Do you know what Mr. Sergeant did with that letter ?

Ans. I do not know that it was returned to him.

COXE. Do you know that it was ever taken out of his hands ?

Ans. I saw Mr. Norvell copying it in the office.

DOUGLAS. You say you saw the original of the letter in the hands of Mr. Sergeant; was it, or was it not in the hand writing of the Governor ?

Ans. I think it was. I know his signature was to the bottom of it, and I think the letter was in his hand writing. My impression is, that it was.

DOUGLAS. Do you know of any applications, made either by John Binns, or any of his friends, to Governor Findlay, or to the late secretary of the commonwealth, for the office of alderman, for Mr. Binns ?

Ans. I do.

DOUGLAS. Please to state who made the application, and to whom it was made.

Ans. Alderman Geyer wrote me a note, requesting me to call upon him, that he wished to see me ; Mr. Josiah Randall was in my parlor at the time I received it. I expressed some curiosity to know what Mr. Geyer should want with me. Mr. Randall smiled, said he thought he could tell me, but he would not at that time, and asked me to call round and see him after I had seen Mr. Geyer ; I went the next day to Mr. Geyer's, when Mr. Geyer made the request that I should apply for Mr. Binns to be made alderman, I also understood Mr. Geyer to say, that it was the understanding that Mr. Binns was to receive the commission, that previous to the termination of Mr. Snyder's term of office, Mr. Matlaek who was then an alderman had sent up his resignation, it was returned to him, and that he was not to consider that he had resigned, until the vacancy was filled by a commission to Mr. Binns. I went from Mr. Geyer's to Mr. Binns's, mentioned that I had had a conversation about him, with Mr. Geyer, and that I would write to Mr. Sergeant upon the subject, I went from Mr. Binns's to Mr. Randall's the same morning, I told Mr. Randall what had passed between Mr. Geyer and myself, and Mr. Randall informed me that Mr. Binns had made a request the day before to him, to speak to me on the subject, and he had declined interfering. I wrote to Mr. Sergeant, recommending John Binns as alderman of the city of Philadelphia, and stated to him the conversation I had had with Mr. Geyer. Mr. Sergeant wrote me word that it was not true, that there was any understanding that Governor Findlay was to appoint Mr. Binns an alderman. I had a conversation with Mr. Binns, and communicated this to him, he said he did not want his application to be put upon that ground, that I must have mistaken Mr. Geyer, that he wanted his application to be put upon the ground of his services to the democratic party; he told me he thought he had a right to ask that situation, that he could not have been in a worse situation if a federal Governor had been elected; that the state printing had been taken from him, that he was no longer bank director, and that I was about establishing a paper which would materially affect his interest, more particularly as my brother-in-law, Mr. Sergeant, was to be secretary of the commonwealth. I do not know that he was appointed at that time. He said that he wished that situation, that he might give support to his family, in case his paper should cease to be profitable, and he begged me to write to Mr. Sergeant, to tell him that he did not wish his application put on the ground which I understood alderman Geyer put it on to me. I accordingly wrote to Mr. Sergeant, and put the case on the ground Mr. Binns wished it put. Mr. Sergeant wrote me word, that he had mentioned the subject to the Governor, and that the Governor's reply was, that it would ruin him if he appointed John Binns, alderman.

DOUGLAS. Please to state to the committee, what reasons Mr. Josiah Randall gave you, for not joining in the application to have Mr. Binns appointed an alderman.

Ans. He said, that he had told Mr. Binns that he would be hissed off the bench if he was appointed. I reasoned with Mr. Randall, and told him that I did not think so; Mr. Binns had made friends in the Bank of Pennsylvania by mixing with the board, and my impression was, that he would make friends the more he was known.

BINNS. I will trouble you to endeavor to recollect the date of the first conversation which you had with Mr. Geyer on this subject, and the date of the last letter you received from Mr. Sergeant on this subject.

Ans. It would be impossible to say at present.

BINNS. Cannot you say within a month?

Ans. No, sir. I do not know that I could say within three months.

BINNS. Can you say within a year, sir?

Ans. I think I can.

BINNS. Then, sir, as near as you can.

Ans. I think it was early in the year of 1818.

BINNS. What was the date of the first number of your paper?

Ans. The 22nd of February, sir, 1818.

BINNS. How long after that, did John Binns and Richard Bache continue to be on intimate terms?

Ans. I cannot exactly say.

BINNS. Do you suppose it was a year?

Ans. I suppose we continued to visit each other for about six months afterwards. I can refer you to the date. I recollect John Binns dining with me out of town, in the summer, a few days previous to the thanksgiving day recommended by Governor Findlay—a few days after that, an attack was made upon me, for observing the thanksgiving day; and from that time our intimacy ceased, that is as to visiting; we may have seen each other since, and may have spoken to each other. I have seen Mr. Binns but once or twice in the last year, except here.

BINNS. I would thank you to let me have the date of Mr. Sergeant's letter, in which he said, that the Governor had said that the appointment of John Binns would ruin him.

Ans. It may have come within a week, sir, after the application was made, but I cannot recollect the time, I think it must have been in February that Mr. Sergeant's answer came, I think I received it before I published my paper; I am not certain, it was about that time.

BINNS. Do you recollect going to the office of John Binns, after you began the publication of the Franklin Gazette?

Ans. Yes, sir.

BINNS. Can you say how long it was after the publication of the Franklin Gazette, that you continued in a friendly way to visit the office of John Binns?

Ans. I really cannot state that.

BINNS. Do you suppose it was six months?

Ans. Yes, I think it was.

BINNS. Were you during that time in the practice of bringing John Binns' letters, which you had received from the then secretary of the commonwealth?

Ans. I may have shewn him letters from the secretary of the commonwealth, but it is a fact, not impressed on my mind. I believe I have shewn you letters that were written by the secretary.

BINNS. At the time I speak of?

Ans. I cannot say, whether it was at that period or not, after the secretary's appointment. I think I have shewn you letters that were written by him.

BINNS. Did you, to the best of your knowledge and recollection, during the period I have mentioned, not only bring letters addressed to you by the then secretary of the commonwealth, for the perusal of John Binns, but also leave them with him.

Ans. I do not recollect, sir.

WILKINS. In the administration of the affairs of this government, has it been usual to fill offices only taking into consideration political services, without regard to personal qualifications?

Ans. Not as far as my knowledge extends—persons have been recommended for political services, but at the same time having sufficient ability to conduct the office. I have known an instance where it has been recommended to the Governor to exclude persons of par-

ticular politics, but it was not adhered to, as far as my knowlege extends.

WILKINS. Has the incumbent of an office been permitted to dictate the terms of his resignation ?

Ans. I recollect no case under the present administration.

WILKINS. Do you think any deserving man in this commonwealth would have suffered if a federal Governor had been elected ?

Ans. It would depend very much who that federal Governor would be.

RANDALL. In the conversation which Mr. Josiah Randall had with you, upon the propriety of appointing Mr. Binns an alderman, did he not at all times express a personal and political friendship to John Binns ?

Ans. He did.

COXE. Did you and Samuel D. Franks ever hold a conversation with Jacob Frick, editor of the American Centinel, published in Philadelphia, on the subject of your purchasing his establishment, on this floor of the House of Representatives ?

Ans. Yes, sir, I did.

COXE. Be good enough to tell us, sir, the time ?

Ans. I cannot state the precise time, it was during the session of the legislature, after the election of Governor Findlay.

COXE After his inauguration ?

Ans. Yes.

COXE. Did or did not, either you or Mr. Franks, or both of you, offer to Mr. Frick, besides a sum of money, for his establishment, any office or offices ?

Ans. I did not.

COXE Did Mr. Franks, or either of you ?

Ans. He did not.

COXE. Was there any thing said about offices ?

Ans. I had understood that Mr. Frick was applying for an office, and as I was about establishing a paper, I spoke to Mr. Frick, with a view that should he be successful in any application he was mak-

ing, that I would purchase his materials, and that he might make his mind easy upon that subject, that I would take them off his hands. The moment I mentioned the subject, Mr. Frick said he had not applied for any office.—A conversation then ensued with Mr. Frick, Judge Franks, and myself.—Mr. Frick was asked, rather in a laughing manner than any other, after he had said he would not accept of an office, as his establishment was better to him than any office ;—after he had said this, he was asked, “ Why would not you accept of an auctioneership ?” and he was asked, in the same way, whether he would not accept of several other offices, without any idea on my part of offering him an office, or being authorised so to do. My object with Mr. Frick was, as I stated before, in case he was an applicant for office and should be successful, to take his printing materials off his hands.

COXE. Were you not ever authorised, in any manner or by any person, to offer an office to Mr. Frick ?

Ans. I was not, sir.

COXE. Was Judge Franks ?

Ans. Not to my knowlege.

COXE. Did you ever hear Judge Franks say any thing about being authorised ?

Ans. No, sir. To show the point of view in which I considered the conversation, after Mr. Frick had stated that he would not give up his paper for any office, and that he had not applied, and did not mean to apply, for one, the office of a gentleman was spoken of amongst others, whom I has recommended to the Governor to be continued in office, one whom I had warmly pressed.

ROBERT TAYLOR, Sworn.

BINNS. Are you an auctioneer in the city of Philadelphia ?

Ans. Yes, sir.

BINNS. When were you appointed ?

Ans. When the others were appointed ; my commission I believe bears date the 1st of April, 1818.

BINNS. How long have you known Mr. Peter Gwinner ?

Ans. I believe in the latter end of March, 1818, I first became acquainted with him. I apprehend it would save the time of the com-

mittee, if I state that I did make a partnership with Mr. Peter Gwinner before my appointment; he was one of the applicants for an auctioneer's commission; it was generally understood that it was the desire of the Governor that partnerships should be formed amongst the applicants: I deemed it prudent to form this one, in order to strengthen my own application. By the partnership which I made with him, his application was withdrawn, and he joined in the request for my appointment. Of the terms of our partnership the Governor knew nothing, and knows nothing to this day, to the best of my knowledge and belief; he knew only that we had formed such a partnership, nothing of the terms; that knowledge was communicated by withdrawing the one application and his uniting in requesting my appointment. At the same time that this was done, the Governor was informed that a partnership was made:—On the part of Mr. Gwinner it was made, not by himself, but by an agent, Mr. Thomas J. Rogers.

BINNS. Take the trouble, Mr. Taylor, to acquaint the committee whether you have any written articles of partnership with Mr. Gwinner?

Ans. I have not.—The partnership has been dissolved.

BINNS. Be so good as to state what were the terms of that partnership between you and Mr. Gwinner?

[*Witness objected to answer the question, as the matter did not relate to the Governor.*]

WILKINS. You say that the Governor had a knowledge of the partnership you formed with Mr. Gwinner?

Ans. Yes, sir.

WILKINS. Had he any further knowledge on the subject, or had he any knowledge as to the terms of the partnership?

Ans. None, whatever, to the best of my knowledge and belief.

[*After these answers, Mr. Binns' last question overruled.*]

Adjourned, until 3 o'clock, P. M. to-morrow.

FRIDAY, JAN. 21, 1820.

ROBERT TAYLOR, *in Continuation.*

BINNS. Had you ever seen Mr. Gwinner, or had you any business whatever with him, before you made a partnership with him?

Ans. No, never.

BINNS. Was the partnership between you and Mr. Gwinner verbally, or by letter arranged between you and Mr. Thomas J. Rogers, the agent of Peter Gwinner?

WILKINS. I want to know if the manner and the terms of the partnership were entirely matters of private arrangement between you and Mr. Gwinner?

Ans. Entirely so.

[*After this answer, Mr. Binns' last question overruled.*]

BINNS. Did the partnership thus made embrace the pecuniary interests of any third person, and if aye, who was that third person?

(*Overruled.*)

BINNS. Were any of the articles of partnership, or the partnership itself between you and Mr. Gwinner ever recorded in any public office of record, or published in any public journal?

(*Overruled.*)

BINNS. Where did Mr. Gwinner reside at the time this partnership was formed?—Where has he resided for the last twelve months?—Has he, since your appointment to office, been a resident of Philadelphia?

Ans. I believe it was in Easton he resided in the first part, the latter part, I think, at Morrisville—he has not resided in Philadelphia.

BINNS. By the first part, Mr. Taylor, I understand you to mean where the partnership was formed?

Ans. Yes.

BINNS. Do you happen to know the fact, that Governor Findlay, soon after his inauguration, announced it to be his opinion, that he could not constitutionally appoint, and that he would not appoint any man an auctioneer in the city of Philadelphia, who was not a resident of that city or county?

Ans. I think I heard him express an opinion of that kind. I think I heard also, that he had the opinions of eminent council, that persons resident out of the city and county of Philadelphia, were eligible to this appointment.

BINNS. Did you happen to hear who the council were?

Ans. I think one was a gentleman of Easton, once a member of congress, Mr. Sitgreaves. I have heard also, that the same opinion that they were eligible, was expressed here—and that a gentleman, not a resident of the city and county of Philadelphia, had a recommendation for an auctioneer's commission, signed by most of the members of the Senate, and a great many of those of the House of Representatives.

BINNS. Were you told, sir, who obtained the opinion of Mr. Sitgreaves?

Ans. I do not recollect—I presume it was some of the friends of Mr. Gwinner.

BINNS. For the withdrawal of Mr. Gwinner's application, and the union of him and his friends, in favor of your appointment as an auctioneer, did you pay Mr. Gwinner a certain sum—did you pay him certain sums, at stated times, or did you agree to give him a certain share of the profits of your business as an auctioneer?

(Overruled.)

WILKINS. Did you see the letter of Mr. Gwinner, informing the Governor that an arrangement was made between you and him?

Ans. I believe there was no letter.

WILKINS. Was there a letter from Mr. Rogers; if yea, did you see that letter?

Ans. I do not know that there was any letter—I did not see any.

WILKINS. Before the Governor determined on your appointment, had he to your knowledge, any manner of information, as to the nature of this private agreement between you and Mr. Gwinner?

Ans. I do not know—I do not believe he had a knowledge of it at this time.

WILKINS. Do you, sir, know whether or not, the Governor was at all actuated in giving to you, your commission of auctioneer, by the nature or terms of your agreement with Mr. Gwinner?

Ans. I do not know.

BINNS. Have you ever accepted any drafts for the house of Finley & Vanlear of Baltimore?

Ans. I have, sir.

BINNS. We wish to know the date of the first draft accepted by you for that house.

[*Overruled.*]

TODD. Did the Governor guarantee in any way, the payment of the money that the house of Finley & Vanlear of Baltimore, drew upon you for?

Ans. Finley & Vanlear sent me a letter of guarantee from William Findlay.

TODD. To what amount did that guarantee extend?

Ans. The letter guaranteed to the amount of \$10,000, but when they asked permission to draw, they asked for only from 6 to \$8,000

TODD. Have you the letter of guarantee?

Ans. Yes, sir.

(Reads a letter from Governor Findlay, dated the 18th April, 1818.) (SEE APPENDIX, No. 14.)

RANDALL. Is that the only correspondence that passed between you and the Governor upon the subject?

Ans. This letter was sent to me by Finley & Vanlear. In my answer to them on this subject, I mentioned that if they contemplated a renewal of the drafts, the letter from the Governor appeared only to refer to one course of transactions, and in case they renewed, I would thank them to cure that defect. When they had occasion to draw again they sent me another letter from the Governor, dated Chambersburgh, August 7, 1818.

[*Reads the letter.*] (SEE APPENDIX, No. 15.)

That is all the correspondence with the Governor until after the failure of Finley and Vanlear.

TODD. Had you, or had you not, received your commission as auctioneer, previous to receiving this letter of guarantee?

Ans. Yes, sir, Finley and Vanlear, of Baltimore, are old correspondents of mine.

RANDALL. Had you ever trusted them to any, and to what amount, previous to this?

Ans. No. The nature of the correspondence was the other way, they trusted me.

RANDALL. How long before the 18th of April, 1818, had the last transaction between you and that firm taken place?

Ans. I cannot tell that, the letters were pretty frequent between us.

RANDALL. As near as you can recollect, was it six months, or three years?

Ans. I think it could not have been three months.

RANDALL. Had they sold you goods?

Ans. They had sent me some commission business to transact for them.

RANDALL. In what amount are Finley & Vanlear indebted to you at present?

Ans. The last two of their drafts, amounting to about \$6,200 were not met by their funds, but since that, they have given me notes, bills and assigned debts to that amount, within less than \$100.

RANDALL. Am I then to understand you, that at this time Finley & Vanlear are in arrear to you, the sum of \$6,000 and upwards?

Ans. I have mentioned to you what they have given to me in payment, these notes are not yet paid.

RANDALL. Are you at this time, on account of Finley & Vanlear, out of funds to the amount of \$6,000 and upwards?

Ans. Yes, sir.

RANDALL. Please to state how many notes you have received; whether any of them are due, and the amount of the other securities.

Ans. There are four notes, one bill and an assigned debt.

RANDALL. Please to state the amount of each of those four notes.

Ans. The first is for \$2,127 25, due the 3d June last, and unpaid.

The next for \$713 95, due 3d July last, and unpaid.

The next is their interest in a note which I hold, for \$545 83. I can-

not recollect when due, perhaps two years ago, it is a note of William Pointell, deceased, whose estate is considered very good.

The next is for \$643 22, payable on demand, but not presented:

RANDALL. Why not presented ?

Ans. The drawer lives in Zanesville, Ohio.

BINNS. What is the name ?

Ans. Owen E. Granger of Zanesville. There is a bill for \$1592 82 drawn by George Sutton, of Pittsburg, on a house in New-Orleans, sent back protested, dated 29th May, 1819, payable sixty days after sight, I am told the drawer is in good circumstances. The residue is a claim on the estate of Gray & Taylor, for \$540, all these sums taken from the amount of the drafts, leaves a balance of \$93 82 in my favor against Finley and Vanlear; there may, in the preceding transactions that I have had with them, be a small balance either in their favor or in mine, but it does not exceed \$100.

RANDALL. What are the circumstances of the persons whose notes you hold, and who were mentioned first in your list ?

Ans. There are only two of which you have not the names, the first one lives in Pittsburgh, I have had a good account of him.

The next one lives in Huntingdon county, I have had a very good account of him that he is a wealthy man.

RANDALL. Did any correspondence ever pass between you and the Governor directly, upon the subject of these transactions ?

Ans. None previous to the failure of Finley and Vanlear.

RANDALL. Has any since ? (my question is indefinite as to time.)

Ans. There has since.

RANDALL. Please to produce it.

Ans. I have not got it—it is in Philadelphia.

RANDALL. When you go to Philadelphia you can send it up.

Ans. Yes, sir.

(See Appendix, No. 16, 17 and 18.)

RANDALL. When were you first personally acquainted with the Governor ?

Ans. Immediately after his election.

RANDALL. Not until then ?

Ans. I have no recollection of ever having seen him but once before that time.

RANDALL. Do I understand you, that you had no acquaintance with the Governor until you became an applicant ?

Ans. I have stated that I do not recollect of having seen him but once before I made my application.

RANDALL. Did you ever have any correspondence with him before that time ?

Ans. No, sir.

DOUGLAS. I wish you to state to the committee when your commercial transactions first commenced with the house of Finley & Vanlear, of Baltimore, as near as you can recollect ?

Ans. A correspondence between Finley & Vanlear, of Baltimore, and Gray & Taylor, commenced in May, 1816.

DOUGLAS. Had you, since that time, and before the request of that house, for permission to draw upon you, a frequent continuance of that correspondence ?

Ans. Yes, sir.

DOUGLAS. Would that correspondence since 1816, between you and that house, have justified their request to draw upon you for the sum of 6 or 8,000 dollars, as mentioned in their letter to you, without any guarantee of the Governor, or any person else ?

Ans. Upon the score of reciprocal favors, I think they had a fair right to ask me for it.

DOUGLAS. When the house of Finley and Vanlear stopped payment, whether were you or they the creditor, independent of any drafts upon you by them ?

Ans. I do not recollect how the balance was between myself and them, but in the statement of the accounts which I have given one of the items, is their claim upon the estate of Gray & Taylor for \$540.

DOUGLAS. Do I then understand you to say, that when the mercantile transactions between the firm of Gray & Taylor, and the firm

of Finley & Vanlear, of Baltimore, ceased, that the firm of Gray & Taylor, were then indebted to that house \$ 540.

Ans. Yes, sir.

DOUGLAS. You have said, that upon payment of these bills and notes, which you have received from the house of Finley & Vanlear, of Baltimore, to cover their two last drafts upon you, you believe they would not be indebted to you, more than \$ 93 82, together with some interest. State whether you have any security for the payment of that balance, or any sum remaining unpaid by the non-payment of these bills and notes, placed in your hands by them ?

Ans. I have a claim upon the house of Finley & Vanlear, of Baltimore ; I have the guarantee of the Governor, as mentioned, and I have a participation in a mortgage held by Mr. Lisle, *pro-rata*.

RANDALL. Would you have accepted these drafts without the guarantee of the Governor ?

Ans. Under ordinary circumstances, as respects myself, I would have done so with pleasure.

RANDALL. Was it at your suggestion that the defect of the guarantee was cured ?

Ans. Yes, it was.

RANDALL. Why then, sir, if you would have accepted these drafts without any guarantee, did you require this defect to be cured ?

Ans. The caution of a person in cases of this kind depends much upon his own circumstances.

RANDALL. This is not an answer to my question.

Ans. I think it might satisfy you.

RANDALL. Who was interested in these acceptances besides yourself, were they drawn upon Robert Taylor ?

Ans. Yes, sir.

RANDALL. What was the largest amount at any one time, that you were under acceptance to Finley & Vanlear ?

Ans. I believe it did not exceed at any one time \$ 8,000. I do not know whether it reached that sum.

RANDALL. When did these acceptances cease ?

Ans. The last was due on the 17th of July, 1819. The first draft was accepted the 15th of June, 1818.

RANDALL. Were they generally at sixty days ?

Ans. Yes, sir.

WILKINS. Had you any letters from Finley and Vanlear on the subject, preparatory to this arrangement ?

Ans. The arrangement was a personal one—Mr. Thomas Finley was in Philadelphia.

WILKINS. On what account was the favor requested—as a personal accommodation to the house of Finley & Vanlear ?

Ans. He told me that it would accommodate them very much.

RANDALL. When were you first made acquainted with the indorsement on the Governor's guarantee for your benefit ?

Ans. It was on the 16th October, 1819.

DALLAS. In requesting Messrs. Finley & Vanlear, of Baltimore to cure the defect in the guarantee of the Governor, were you actuated more by the mercantile practise of making assurance doubly sure, than by any fear of the solvency or ability of Finley & Vanlear ?

Ans. Indeed I cannot tell what my motives were at the time—I saw the defect, and without reflecting much upon it, I wrote to them mentioning it—I believe however, that they thought it complete.

DALLAS. Did you entertain at that time any doubt of the solvency of the house of Finley & Vanlear, or of their ability to meet their engagements ?

Ans. Every information I had respecting them, represented them as being rich, but hard pressed for money.

Adjourned until 3 o'clock, P. M. to-morrow.

SATURDAY, January 22, 1820.

[*ROBERT TAYLOR, in continuation.*]

BINNS. I want to know at what time the dissolution of partnership took place between Mr. Taylor and Mr. Gwinner ?

Ans. I cannot give the date when it was dissolved—the partnership continued one year.

BINNS. Was the dissolution of partnership ever published ?

Ans. No, sir.

BINNS. By whom, and at what time was the Governor's guarantee in April, 1818, presented to you ?

Ans. It was sent to me by Finley & Vanlear, in their letter of advice of their first draft drawn on me.

BINNS. Was that guarantee of Governor Findlay's presented to you by his brother, Mr. Thomas Finley ?

Ans. No, sir—but Mr. Thomas Finley made a personal application to me, for liberty to draw, and said at the same time, that he would send me a letter of guarantee from his brother.

BINNS. By whom and at what time was the Governor's letter of August 7th, 1813, presented to you ?

Ans. My recollection is not distinct, but the impression on my mind is, that it was sent to me, inclosed in a letter from Finley & Vanlear.

BINNS. From the time you wrote to Finley & Vanlear, stating what you considered a defect in the Governor's guarantee, to the time when the Governor's letter curing that defect, was transmitted to you, did you or did you not in that intermediate time accept any drafts from the house of Finley and Vanlear ?

Ans. I think not—I think there were none presented, I am not certain, there may have been one or two—they came generally at sixty days, and if that time had elapsed before the second letter came it is probable ; from these letters I think there was none—I recollect the first draft was in June, this letter being in August, sixty days had not elapsed.

BINNS. Do I understand you correctly, when I understand you to say, that the house of Finley & Vanlear, owe you upwards of \$6,200, and the interest on that sum, since you paid their drafts in June and July, 1819—and that from the several securities held by you, to pay those drafts, you have not yet received any money ?

Ans. There is a full explanation of that question—they do owe me that sum, that is the balance of the account, I stated it, and the amount of the securities given me in payment before.

BINNS At what time were the notes, bill, and assigned debt, you have mentioned, transferred to you by the house of Finley & Vanlear ?

Ans. All, except two were in June, 1819. Those two were a month or two afterwards, I think as near as I can recollect.

BINNS. You have mentioned that a correspondence between the house of Finley & Vanlear, and the house of Gray & Taylor, commenced in May, 1816. Was that correspondence predicated upon the claim of \$540, which the house of Finley & Vanlear had against the house of Gray & Taylor ?

Ans. No, sir ; it was a consignment of merchandise to Gray & Taylor, to sell on account of Finley & Vanlear.

BINNS. At what time and in what manner, did you first learn that Mr. John Lisle was in the habit of accepting drafts for Finley & Vanlear ?

Ans. I do not recollect, sir, I think not until after their failure.

BINNS. At what time and in what manner did you first learn that Mr. Lisle had a guarantee similar to that held by you, from Governor Findlay, to secure his acceptances of the drafts of Finley & Vanlear, to the amount of \$10,000 ?

Ans. I do not recollect, sir, when it was, or how I came to know it.

BINNS. You have stated that on the 16th October, 1819, Mr. Lisle conveyed to you a pro rata interest in a mortgage, transferred to him as part security, by Governor Findlay—had there before that transfer, been any correspondence between you and the Governor on the subject of that mortgage ?

Ans. No, sir, Mr. Lisle transferred that of his own accord, observing that it was a mortgage to secure acceptances, drawn by Finley & Vanlear upon the Governor's guarantee.

BINNS. Have you ever, Mr. Taylor, seen the account current between Governor Findlay, and the house of Finley & Vanlear; if aye, state which of the parties were indebted to the other, at the time you saw the account?

Ans. I never have seen any such account.

DOUGLAS. Have you ever known the Governor, in granting commissions to auctioneers, to annex any conditions to those commissions?

Ans. No, sir.

DOUGLAS. Please to state to the committee what kind your application to the Governor was, for the office of auctioneer—I mean the number of signers, their respectability, and what private letters of recommendation you had?

Ans. I presented a recommendation, signed by between eighty and ninety of names in Philadelphia, I believe, equal in respectability, to any similar number of names that has been presented to the Governor—I had a letter from Mr. Thomas Leiper of Philadelphia, to whom I am nearly allied, making my appointment a particular request; and also one from old Professor Robert Patterson, of a similar nature, both of them confining their applications for this office to me; that they might have their full effect.—I recollect one of the members of the senate, Mr. Ewing, gave me a letter also; I had one also from Thomas Finley, of Baltimore, written in as strong terms as he could write. I believe there were some others, but I do not recollect particularly.

DOUGLAS. At what time, do you recollect, was your petition presented to the Governor, and these letters of recommendation forwarded to him on your behalf?

Ans. Very soon after his election.

DOUGLAS. What was the date of the first application to you by the house of Finley & Vanlear, of Baltimore, soliciting permission to draw upon you?

Ans. It was made personally, by Mr. Thomas Finley, in the latter end of May, 1818, after I was commissioned.

DOUGLAS. Have you a copy of the letter of Thomas Finley to his brother, in your behalf?

Ans. No, I have not.

DOUGLAS. Do you recollect whether alderman Geyer had any petition out, through the city of Philadelphia, for signers, or made any other application for the office of auctioneer, but through Mr. John Binns?

Ans. I do not know any thing about his business.

BINNS. What is the general character of alderman John Geyer?

Ans. I believe it is respectable.

BINNS. Have you any doubt but that his character is highly respectable?

Ans. No, I have not.

WILKINS. Have you any facts or circumstances within your knowledge, shewing either expressly or by implication, that any of these drafts, or the arrangements relative to them, were for the use of the present Governor, or were out of the common course of mercantile transactions?

Ans. None, sir.

RANDALL. Was the Governor, to your knowledge, engaged in any mercantile business?

Ans. I have no knowledge of any.

DOUGLAS. Was John Geyer, ever within your knowledge, engaged in mercantile business?

Ans. Not within my knowledge.

DALLAS. Is he known, sir, as a merchant, upon the exchange of Philadelphia?

Ans. No, sir, I believe not.

BINNS. What do you mean by the exchange of Philadelphia, Mr. Taylor?

Ans. I mean the coffee-house, where the merchants meet.

JOHN CONRAD, Sworn.

BINNS. When were you commissioned auctioneer by the present Governor ?

Ans. On the 1st of April, 1818—the same time with the other auctioneers.

BINNS. When did you resign that commission ?

Ans. I do not recollect.

BINNS. Was it within a year of this time ?

Ans. I presume it was.

BINNS. Are you now a partner in any auction establishment in the city of Philadelphia ?

Ans. Yes.

BINNS. In what house ?

Ans. In the house of Passmore & Sparhawk.

BINNS. Do you receive twenty-five dollars per week, and two hundred and eighty a year, from the house of Passmore and Sparhawk ?

[Over-ruled.]

BINNS. Were you at Harrisburgh, and did you see the Governor a short time before you resigned ?

Ans. No, sir, I was neither at Harrisburgh, nor saw the Governor.

BINNS. Did you write to the Governor, intimating to him your intention to resign, and expressing a wish that another person whom you named, should be appointed in your place ?

Ans. No.

WILKINS. Can you tell, sir, whether or not the terms of your partnership, or the terms of your present arrangement with Messrs. Passmore and Sparhawk, were known to the Governor at the time he appointed your successor ?

Ans. I presume they were not—they were not known from me by any person but the partners themselves.

WILKINS. Do you, sir, know whether your having made, or being about to make an arrangement with Messrs. Passmore and Sparhawk, was any consideration with the Governor in making the appointment of your successor?

Ans. Not that I know of—I had no communication with the Governor, either directly or indirectly on the subject.

RANDALL. Have you at any time, to any person except the partners, mentioned the terms of your agreement?

Ans. I never did.

RANDALL. Do you know of any official misconduct of the Governor besides what you have been interrogated to?

Ans. No, sir, I do not know of any.

BREWSTER. Did you resign by letter to the Governor—and have you a copy of that letter?

Ans. Yes, sir. [Reads a letter, dated the 21st of October, 1818.]

(SEE APPENDIX, No. 19.)

DOUGLAS. Who composed the firm to which you belonged at the time of your resignation as auctioneer?

Ans. Thomas Passmore, and Thomas Sparhawk and myself.

DOUGLAS. Did this firm exist for some time before your resignation?

Ans. Yes, sir, from April 1818.

BINNS. What induced you to take out a certified copy of that letter of resignation from the secretary's office?

Ans. I kept no copy of the letter when I wrote it, and since my arrival at Harrisburgh I got a copy of it merely for my own satisfaction, that I might know what I had written.

BINNS. Have you shown the certified copy to any one since you obtained it?

Ans. I shewed it to my brother, and I think Mr. Brewster was present, we lodge in the same house—I believe I showed it to Mr. Passmore.

SAMUEL D. FRANKS, Sworn.

BINNS. Please to state to the committee if any conversation passed between you and the Governor of the commonwealth, on the subject of transferring the commission of John Conrad, as auctioneer, to Thomas Passmore?

Ans. Sometime in the beginning of the fall or the latter end of the summer of 1818, I was in Philadelphia, amongst other friends I saw Mr. Passmore—he told me in the course of the conversation we had, generally upon matters and things relating to the business of the auctioneers, that he believed that Mr. Conrad would resign his commission; I think proper at this stage of my testimony to observe, that I have but a general and indistinct recollection of every thing that was said by Mr. Passmore on the subject. Mr. Passmore told me that if he could get the commission he had not the least doubt but that in a short time the business that he formerly had would return to its old channel, and that he would be able to do as much business as any of the other auctioneers, to his own benefit and to the advantage of the state; he reminded me also of the great sums that he had formerly paid to the state for auction duties, which in one year, sometime before, had exceeded the sum of \$40,000.—On my inquiry into the cause of Mr. Conrad's contemplated resignation, Mr. Passmore told me that at the time Mr. Conrad received from the Governor the appointment of auctioneer, his pecuniary circumstances were considerably embarrassed, and that his difficulties in keeping up the credit of his notes then in circulation, unconnected with the firm of the auctioneers, were such as materially affected their business, as auctioneers, and was a considerable injury to the firm—that Mr. Conrad was a strictly honest man, and that he would at all events, strive to keep up his credit, to prevent his creditors from suffering a loss by him. He also stated to me that if upon Mr. Conrad's resignation, he should be appointed in his place, he would take Mr. Conrad into partnership; that he would arrange his business in this manner: he, Mr. Passmore, would attend to the merchandize, Mr. Conrad, who had followed the book business for many years, should superintend a book auction, attached to their other business—Mr. Sparhawk would attend to, and keep the accounts of the firm. I cannot say, to a certainty, that Mr. Passmore said that Mr. Conrad had written to him on the subject of his pecuniary embarrassment, and of his intention to resign; the impression upon my mind is, that Mr. Passmore's aid that Mr. Conrad had either written or spoken to him upon the subject. Mr. Passmore requested me, when I went up to Harrisburgh, to speak to the Governor upon the subject of appointing him in the event of Mr. Conrad's resignation. On my return to Harrisburgh, I saw the Governor, and

had some conversation with him upon the subject. I told him that I believed Mr. Conrad would resign his commission, and, that of all men, I thought Mr. Passmore the most proper person to have the commission. I spoke in strong language of the talents of Mr. Passmore, as an auctioneer; of the large sums he had paid into the treasury of the state; of his moral character and general deportment in life; and brought to the Governor's view the powerful recommendations that Mr. Passmore had received and presented to the Governor for a continuance in office; and I think I mentioned also, the interest the late Governor Snyder took in the continuance of Mr. Passmore; and I believe that I mentioned to the Governor that if Mr. Passmore would be appointed, I thought that it would make very little difference to the present partners of the firm, and that Mr. Conrad would be a partner, and superintend the book auction part of their business. I do not recollect what the Governor said on the subject, excepting this "I thought I was done with the auctioneers in Philadelphia," or words to that amount, (I had almost all the talk to myself.) However, what was said or done, I informed Mr. Passmore of by letter, the contents of which I do not recollect. I tried to get every spoke in the wheel that I could, to get him appointed honestly and honorably; I did exert myself to the utmost to get the secretary of the commonwealth to join me in endeavoring to obtain the appointment for Mr. Passmore.

BINNS. How long after this conversation with the Governor was it before the appointment was made?

Ans. I cannot say exactly, nor can I recollect within a week—I cannot recollect the time; about a couple of weeks I think—it might have been longer, and perhaps not so long.

BINNS. Do you know whether at the time of Mr. Conrad's resignation there was any other applicant for his office, except Mr. Passmore?

Ans. I do not know, I believe there was no other, except the forty or fifty on file, who had applied, upon the inauguration of the Governor, might be considered as applicants. If they were considered as applicants, then their names were before the Governor.

BINNS. Do you know that there ever were forty or fifty applicants before the Governor for the office of auctioneer?

Ans. I understood, I cannot say now particularly from whom, that when the Governor made his first appointments of auctioneers, there were forty five or forty six applicants.

BINNS. Do you know, sir, how many of those applicants resided beyond the bounds of the city of Philadelphia?

Ans. I do not know the number of applicants from the country, but there were some.

RANDALL. Do you know of any misconduct in the Governor of this commonwealth?

Ans. Far from it, sir, I know of none.

WILKINS. Have you been in habits of great confidence and intimacy with the Governor?

Ans. I have been on terms of friendship and of intimacy with the Governor for many years, and occasionally as a friend in what I may properly term confidence; but as to a general confidence as to all matters and things connected with his administration, I have possessed no more of it than did his other friends or companions with whom he associated. I will add, that among his acts as Governor, there are none that I know of that he keeps secret or confides particularly to any one, unless it should be to his secretary, and if there are any such I am ignorant of them.

WILKINS. Do you know in any case whether or not the Governor has in any instance, directly or indirectly, made an appointment to office with a view to promote his own or his friends' pecuniary arrangements, or having given an appointment has made use of the office to promote his own or his friends private views?

Ans. I do not know of any.

WILKINS. Do you know, sir, whether or not the Governor has ever been induced to make an appointment to office in consideration of a sinecure being attached to it, or of its being connected with some private arrangement for the benefit of a third person?

Ans. No, sir, I know of no such thing.

WILKINS. Did you, sir, urge upon the Governor the appointment of Mr. Passmore on account of any arrangement that Mr. Conrad would be allowed so much per week, month, or an annuity?

Ans. I did not, for I knew of no such thing. I had understood from Passmore, as I have said before, that he would take him into partnership with him and place him at the head of the book auction, and let him superintend that.

DOUGLAS. Do you know the present Governor having appointed any near relation of his own to office, who had not been in office before?

Ans. I do not ; I know he has refused to appoint one relation who had not been in office before.

DOUGLAS. Do you know, sir, whether his brother in Chambersburgh was in office before, and if continued in office by the present Governor, whether his salary and offices have not been reduced and diminished ?

Ans. His brother at Chambersburgh held several offices under Governor Snyder, such as prothonotary, clerk of the sessions, and I think prothonotary of the supreme court of that district. I have understood that he is continued in some of them but not in all. This is hearsay, I do not know it of my own knowledge. I think I understood it from the Governor.

DOUGLAS. Do you know, sir, whether there are any relations of the Governor acting as clerks in the public offices connected with the state government ?

Ans. I know of none.

DALLAS. You have been very intimate, judge Franks, with the Governor, I want to know whether you have ever known him in his conversations and inquiries in relation to appointments to office, to overlook or disregard the considerations of capacity, fitness and integrity, under the influence of personal or improper motives ?

Ans. I never have, sir ; but in making appointments he may have had, perhaps in many instances, too high an opinion of the merits, talents and qualifications of the officers appointed by him.

WILKINS. Have you any knowledge at all of that transaction between Mr. Lisle and Mr. Fox, so far as relates to the conduct of the Governor upon that subject ? If you have, please to relate it.

Ans. I know nothing about it of my own knowledge.

Adjourned until 9 o'clock on Monday morning next.

MONDAY, January 24, 1830.

[BINNS proposes to prove by John Conrad, the nature and terms of the partnership between John Conrad and Passmore and Sparhawk.] [*Over-ruled.*]

JOHN STEEL, Sworn.

BINNS. State what passed between you and Mr. Bache, touching an application made to you to take Samuel Fox as a clerk, at \$2,000 a year in the event of your being commissioned an auctioneer.

Ans. I called into Mr. Bache's one morning, perhaps near the latter part of March, 1818, shortly before the commissions came down, after the usual inquiries if there was any news from Harrisburgh—I rather think I have omitted to state, it has been always a matter of doubt with me, whether Mr. Jennings was not there at the first interview I had with Mr. Bache; my impression is, that he was. I heard no conversation further than the parting sentence, which was, "you will see that man." It was after Mr. Jennings went out, that I made the observation about news; I had no conversation with either of them, until he had retired. The time of the appointments was then so near, that I was pretty confident I would be appointed; I knew it from different sources. Mr. Bache repeated the same information, that there was every probability I would be appointed, and asked me if I wanted a clerk. I said no, I had made arrangements some days before, for as many as I would want for the first year—I had made arrangements for too many. He mentioned to me that Tom or Mr. Sergeant, I forget which he said, wanted some of us to take a friend of his, meaning some of the auctioneers. I stated to him I was sorry he had not applied sooner, for I would give a preference to any friend of Mr. Sergeant's that he would recommend; Mr. Bache then changed the subject, he did not mention any thing about the salary at that moment, but began to converse about the probability of who the rest would be, and said, he thought four or five were settled on; after some desultory conversation on the subject, he stated, that on that day, or the day before, he had received a letter from Mr. Sergeant, informing him that he must call and see Mr. Jennings, and inquire whether he would be willing, in case of his appointment, and Mr. Lisle's non-appointment, to fulfil an agreement entered into between Mr. Fox, senior, and Mr. Lisle; in which, Mr. Lisle was

bóund to take Mr. Fox as his chief clerk, or stageman, at \$2,000 per year. I cannot pretend at this distance to go into the minutiae of the business, I merely wish to state the substance—he then stated to me, I think, that he had seen Mr. Jennings, and he was not willing to do it, he added, you know Jennings is your friend as well as mine, and I am very sorry he will not do it. I think he ought, for that Mr. Fox had served his time to the auction business with his father, and was as competent as any other young man. He then stated it was but a small favor for Mr. Sergeant to ask from any of these three auctioneers he had supported; that in the event of Jennings refusing to comply with the request, he was instructed to call on Wurtz and myself, and perhaps Taylor, I am not certain as to Mr. Taylor. He stated, he was afraid Jennings by refusing, might jeopardize his commission, that I understood was his own inference from the strong manner Mr. Sergeant urged it. I at present do not recollect any further conversation with Mr. Bache on that subject, at least that day. I went in search of Mr. Jennings to state the conversation I had had with Mr. Bache. He told me he knew all about it, and would not come into the terms, or words to that effect; he said it was enough for him to be saddled with a partner. I told him, I did not know it had been in opposition to his wishes to have Mr. Lisle—he said no, he wished it very much, and the only difference that it would make, would be in making the terms of their agreement, as he believed it was pretty generally understood, that he was to take Mr. Lisle as a partner—I do not recollect any thing further that appears to me at present, to be material. My examination, in chief, last year, I thought was correct, but I did not think some of the cross examination was correct; I have nothing further, as to that part of the subject, as regards Mr. Sergeant's letter, and Mr. Jennings.

BINNS. Did I understand you to say, that you had read over your testimony of last year, but once or twice since that time?

Ans. I believe, never but once, I have no copy of it.

BINNS. Did you give your testimony before this committee from any written memorandum?

Ans. Not as yet. I have no written memorandum—no notes of it.

BINNS. When you gave your testimony last year, did you assist your memory by written notes?

Ans. Yes I did; the evidence in chief—Not on the cross examination, because I had no notes that would apply to that.

BINNS. How often were you examined before the committee last session?

Ans. I do not recollect, but I think three times—either twice or three times.

BINNS. When you went in search of Mr. Jennings, to acquaint him with what Mr. Bache had said, were you solely actuated by friendly motives to Mr. Jennings, and a desire to state to him your apprehensions, and those of Mr. Bache, if he should persist in not taking Mr. Samuel Fox at a salary of \$2,000 a year?

Ans. The former part of the question I can answer positively, that I was actuated by motives of friendship to Mr. Jennings. I answer the latter part of the question also in the affirmative. My opinion being founded on Mr. Bache's statement. I had not seen Mr. Sergeant's letter, nor did I see it until it was before the committee of inquiry last year.

BINNS. Do you remember how many years have elapsed since Mr. Edward Fox was in the auction business?

Ans. I cannot say positively. He was sometime a partner with Samuel Israel, after he quitted the active business in the store. I should suppose it was twelve or fourteen years—I cannot say certainly.

TODD. Mr. Jennings said in conversation with you, that it was enough for him to be saddled with a partner. Did you understand from him that the Governor had any thing to do with saddling Mr. Jennings with Mr. Lisle, as a partner?

Ans. No. No further than that the Governor had expressed a wish, that fourteen of the most prominent men on his list of applicants should unite together, those that he liked best. He stated that there were fourteen that he would like to gratify, if he had fourteen commissions to issue; therefore, if seven could agree with the other seven, it would be a personal gratification to his feelings, although he would not trammel a commission with any conditions, as he could not by law, or words to that effect. In a desultory conversation on the subject, I told the Governor there were none on the list I would take as a partner, except two gentlemen, both of whom I wished to receive commissions; my reason for confining it to two, was not for want of personal respect for the others, but believing they were not men of sufficient capital, as I had learned. I stated that as an objection to mentioning these two gentlemen's names, I would not designate them; I believed it would put their appointments out of sight if I mentioned them, which I could not in honor do, as I had never consulted them. This is all I have to say on this part of the subject, as far as my recollection serves.

BINNS. Did the Governor shew you a list of all the applicants

for the office of auctioneer, or was the list he shewed you confined to the names of the fourteen whom he expressed a wish to gratify ?

Ans. All the applications were not in when I was at Harrisburgh and had this conversation with the Governor, not more I presume than one half ; he read me about twenty names as applicants for that office, he did not shew me the list. I do not recollect that I had it in my hand ?

BINNS. Had you, or had you not, any conversation with the Governor on the subject of his constitutional right to appoint any person an auctioneer, who resided without the bounds of the city or county of Philadelphia, if aye, what opinion did the Governor give on that subject ?

Ans. I pressed the conversation on him, and remonstrated strongly against the legality of such appointments, assigning as a reason, that their duties were confined to the city and county, indeed to small bounds, by law, all our city applicants were of course, of the same opinion ; some of our city lawyers gave it as their opinion also in private conversation. The Governor stated, some of the applicants from the country had taken counsel on the subject, and the opinion of their counsel was, that it was constitutional—he gave me no opinion of his own on the subject, nor would not, but stated that he would consult with Mr. Sergeant, or the attorney-general, or may be both.

BINNS. Have you ever been called upon to indorse any notes, or accept any drafts, the proceeds of which you were informed at the time you were called upon, were for the use of the Governor ?

Ans. Not at the time I was called upon. In answer to this question, I shall have to give a short explanation: Mr. Alexander Wilson called on me one day, or rather he was sitting with me, and said he wanted to raise a small sum of money, that he had called to see if I would give him my name on a credit, the drawer note. I asked him how much, he said \$ 500, or \$ 510, I forget which, I have no memorandum of it, and that a renewal of it should not be wanted more than once; I replied certainly, some person came forward, I recollect the circumstance well, a gentleman that wanted an advance on goods, and took me off. I was engaged, perhaps, an hour with the person who took me off from Mr. Wilson ; during that time, without any further explanation, he passed over the top of the desk where I was standing, the note, in consequence of my answer, to put my name on it. I indorsed it, handed it to him, and he went away; I had no conversation with him about the note, nor any thing of the kind until the time came round for the note to be renewed—he then stated, there were some small money transactions between him and the Governor, and that the proceeds of the note were for the use of the Governor. I told him it made no difference to me, for I would have done a note of four times the amount for either him or the Governor,

I was well acquainted with Mr. Wilson, he was a man of property. I do not recollect ever changing words with Mr. Wilson on the subject again, until the day the note fell due, when I found he had not renewed it : one of the clerks came from the bank and informed me there was a renewal note due on that day that had not been attended to, that if I would take round another note it would be renewed. I found there was no time then to go after Mr. Wilson ; 3 o'clock was very near, and I drew a check and sent my young man to take up the note ; of course then an entry was made of that check on my cash-book, as a loan to Alexander Wilson. I then sent after Mr. Wilson, supposing he might want the note renewed again ; he was so ill that my young man who went there could not see him, but Alexander Wilson sent word he did not want the note renewed as he had received the money to take it up, which he would send down in the morning.—Now comes the certificate :—

“ I do certify that on the cash book of John Steel there is an entry of \$510 entered as a loan to Alexander Wilson, and dated January 14, 1819, and that on said cash book there is an entry of \$500 received from Mr. Alexander Wilson, and entered as his loan returned, in part, and dated January 15, 1819 ; consequently their remains \$10 yet unpaid of said loan. Signed Samuel Steel, Philadelphia, January 8, 1820.”

The cause of the balance of \$10 remaining unpaid, was that Alexander Wilson sent a \$10 note which was not at par, that note I returned, and I never saw Mr. Wilson again ; he died I believe the next day. The account has been rendered I believe to Mrs. A. Wilson for the \$10 ; the clerk had orders to do it ; I am not positive because I did not do it myself.

BINNS. When the note fell due at the end of sixty days, was it renewed ?

Ans. Yes. It was renewed.

BINNS. When the note came due the 2d time, did the clerk of the bank then call on you ?

Ans. I believe it was the second time. It might have been the third.

BINNS. Did Alexander Wilson ever tell you to what use for the Governor, he applied the proceeds of the note which you indorsed.

Ans. Not to my recollection

BINNS. Do you happen to know through any other channel that the proceeds of that note were paid by Alexander Wilson, for a pair of horses purchased for the Governor ?

Ans. I have no knowledge of it myself.

BINNS. Do you or do you not believe from the testimony you have heard, that Alexander Wilson did appropriate the proceeds of that note for a pair of horses which were bought for Governor Findlay ?

(*Over-ruled.*)

BINNS. You have said already that no entry was made in your note-book of this note ?

Ans. I have said that no entry was made in my bill-book as it is not customary for merchants to enter credit the drawer notes in their bill-books.

BINNS. Was any application ever made to you to indorse notes or accept drafts on the guarantee of Governor Findlay ?

Ans. Never ; as a particular notice signed by Mr. Coxe, I think was served on me applicable to this question, I took a certificate from two clerks, the only two that ever wrote in my books, dated January 8, 1820, signed Samuel Steel and Alexander Macpherson. (See APPENDIX No. 20.) As I never had any money transactions with the Governor or the house of Finley & Vanlear of Baltimore, I had thought it unnecessary, but seeing that others had brought up books and accounts to that effect, I sent down for the certificate.

BINNS. Did you conduct the auctioneer business under the name of John Steel or under the firm of Steel & Mercer ?

Ans. Under the firm of Steel & Mercer.

BINNS. As you have been so careful to procure a certificate from the books of John Steel, touching the non-acceptance of drafts and notes, and your not having transacted any business with Governor Findlay, or the house of Finley & Vanlear, why did you not take the trouble to procure a similar certificate as to the books of Steel & Mercer ?

Ans. The firm of Steel & Mercer never had any money transactions with the Governor. As this case of Wilson's might be construed to have some connection with the Governor, and as the only part of that, that ever Steel & Mercer, or John Steel, had any connection with, namely, the loan for one day of \$510 was from John Steel's own bank account, and entered on his cash book, therefore I thought it wholly unnecessary to bring any certificates as to the books of the firm.

[BINNS offers a certified copy of articles of partnership between John Steel & John Potter of Philadelphia, to be read in evidence. *Objected to by Mr. Steel, and over-ruled by committee.*]

Mr. Steel stating that the Governor never knew any thing of the partnership to the best of his knowledge.

RANDALL. Was there ever any part of those articles published in the Franklin Gazette ?

Ans. There was—I believe in the Franklin Gazette ; certainly in the American Centinel. To the best of my recollection it was published in the Franklin Gazette ;—I took the manuscript myself to the office of the American Centinel.

Adjourned until 3 o'clock P. M.

SAME DAY, 3 o'clock, P. M.

JOHN STEEL, in continuation.

I have examined since the committee adjourned, the Franklin Gazette, published at a period when the article should have appeared, and it was not there, in addition to that, the editor informed me that it was never published in it.

DOUGLAS. Did not Mr. Lisle at all times, when in conversation with you, relative to the appointment of auctioneers, for the city of Philadelphia, express an anxiety to obtain the office of auctioneer for himself—and did he not deprecate in the warmest terms, the being left out from an appointment to that office, and to be provided for by a partnership with Mr. Jennings ?

Ans. Yes, sir, he always said he would prefer the commission himself—that he looked upon a going in with Mr. Jennings, or any other man as a do no better ; and on one occasion I heard him say, that he would die in the last ditch, fighting for a commission in his own name—or words to that effect.

DOUGLAS. Please to look at the names on that petition (*giving to the witness one of the petitions praying for an inquiry into the conduct of the Governor*)—and state to the committee whether you heard any of those petitioners, or any of their immediate relatives threaten the present Governor, to injure him in any manner whatever ?

[Over-ruled.]

DOUGLAS. Please to say whether any of those petitioners, whose names have been presented to you, or any of the members of their families interested in the applications or appointments to office, have threatened, in your hearing, or in conversation with you, the present Governor of this commonwealth ?

[Over-ruled.]

DOUGLAS. Please to tell us whether you stated the reasons to Mr. Bache, why you were sorry that you could not take in Mr. Fox as a clerk ?

Ans. The first reason was, that I had a sufficient number of clerks already—My next was, that I felt myself under some obligations to Mr. Sergeant, and therefore it was that I used the word “sorry.”

DOUGLAS. If you have any knowledge of the conversation which took place between Mr. Lisle and Mr. Jennings, at Mr. Buffington’s, at the close of the proceedings of the committee of inquiry, last year, in Mr. Sergeant’s case, be so good as to state it to the committee ?

Ans. I heard no conversation between Mr. Lisle and Mr. Jennings—Mr. Jennings and I had conversations together, and Mr. Lisle and I had conversations together—I wished to reconcile matters ; they were both my personal and political friends for a number of years. I do not recollect having a conversation with Mr. Jennings, before Mr. Lisle—I had with Mr. Lisle before the Governor. I think about two days before the close of the examination, Mr. Jennings hinted to me in a delicate manner, at our lodgings, that an attempt was making by some persons, he did not know whom, on the Governor, to get him removed from office—he asked me if I had heard such a report—I replied I had not, but I would make inquiry on the subject. I gave him to understand, that if he wished it, I would immediately wait on the Governor and inquire into the truth of the report. Mr. Jennings seemed to approve of my doing so. When I waited on the Governor, I asked him as to the truth of the rumor—he stated that some few persons had called there ; I do not recollect that he mentioned any number, and had given it as their opinion, that Mr. Jennings ought to be removed—I immediately expressed my disapprobation of it in the strongest terms of which I was capable. After saying all that I could against it, the Governor said, Understand me, that I have not any hostility against Mr. Jennings, or that I have any wishes upon the subject. I inferred from that, that the Governor would act as he was convinced by others, that he had not made up his own mind. While engaged in this conversation, two gentlemen came in, whose names I do not know, from some of the middle or western counties ; I think one of them was a member, though I am not certain ; they stated that they had heard the

same rumor in the house, that Mr. Jennings ought to be removed, among some of the members of the house. I asked them the reasons—they stated that Mr. Lisle's evidence, and Mr. Jennings, as to the terms of their agreement were variant, and that from the very nature of the case, they were convinced that Mr. Lisle was right. I immediately stated that both the gentlemen were my friends, and such reflections were unpalatable to me. The Governor then stated that Mr. Steel has been strongly protesting against the removal of Mr. Jennings, and he says that Mr. Lisle, who is the person aggrieved on this subject, would also oppose his removal—I cannot give the words precisely—this is the tenor of the conversation. I felt considerably emboldened by this, to stick to the Governor upon this subject—then I mentioned, on my return, in the course of the evening, to Mr. Jennings, that my impressions were, that the Governor felt no disposition to remove him. As I had appealed to Mr. Lisle's sentiments, and rather rested the fact, which I stated upon what Mr. Lisle thought upon the subject—I thought it my duty to mention the subject to Mr. Lisle that evening, after I had spoken to Mr. Jennings. Mr. Lisle accorded with me in sentiment, and said that it would be very improper to remove Mr. Jennings at such a time—that he had then embarked in the business. I requested Mr. Lisle to accompany me to the Governor's next morning. The Governor told him that I had made a bold stand for Mr. Jennings—Mr. Lisle replied, I feel myself aggrieved by Mr. Jennings' conduct, in consequence of his attempting to throw me out of your view, when I was an applicant, as a principal, and endeavoring to have me as a partner, or second in the business. The next observation of Mr. Lisle, was, he would wish to do unto all men as he would be done by—he loved to see compassion and forgiveness reign; and on that principle, he hoped Mr. Jennings would then be continued and not disturbed in his business, using as arguments, Mr. Jennings' growing family—his connexion with a firm very largely embarked in mercantile business, and who, at that time, were under very heavy advances for goods on deposit—that a removal then would be, perhaps, ruinous to all concerned—which to him would be a cause of great regret.—As a friend of Mr. Jennings, I recollect, I was well pleased with Mr. Lisle, for speaking so friendly on the subject. So far as I recollect, some hint was given by the Governor, that an intimation had been made to him, that there was a possibility that the legislature might take order on the subject, if they did not; he, for that time, addressing himself to Mr. Lisle and I, would comply with our wishes—but if they did, he would not oppose the legislature—this is the substance of the conversation. I saw Mr. Jennings shortly afterwards, and told him I thought he need not be afraid—I mentioned to him some of the outlines of what Mr. Lisle had said, not so extensively as I have now, that the Governor had no disposition to remove him, unless the legislature urged him.

RANDALL. Do you know any thing relating to any other

charge of official misconduct against the Governor of this commonwealth, besides what you have been interrogated to ?

Ans. Nothing. I stated this morning, that I have never had any money transactions with the Governor ; so far I was correct. I received by Mr. Musgrave, a sum of money to pay for a barrel of sugar and a barrel of coffee, bought in the Governor's own name, from William R. Thompson—and a small taylor's bill.

MIDDLESWARTH. Did you consider the buying sugar and coffee, official misconduct of the Governor ?

Ans. Oh ! no, sir.

WILKINS. What has been the usual custom in Philadelphia, in relation to auctioneers forming partnerships ?

Ans. I must answer at some length.—Under Governors Snyder and Findlay, I never knew of any restriction laid on auctioneers, they might form partnerships with whom they pleased, as far as my knowledge goes. Under Governors Mifflin and M'Kean, they were saddled sometimes with sinecures. Under Governor Mifflin, Mr. Benson, then auctioneer, died poor—and his partner was commissioned on condition that he should pay to his widow five hundred pounds per annum, and it was not thought criminal in those days.

WILKINS. When you speak of criminality, was it viewed as criminal by the commercial part of the community ?

Ans. Oh, no, sir.

WILKINS. Is it usual for auctioneers to form partnerships ?

Ans. Oh, yes, they always do.

JOHN FOSTER, Sworn.

Adjourned until 9 o'clock to-morrow, A. M.

TUESDAY, January 25th, 1820.

JOHN FOSTER, *again called.*

[BINNS. The petitioners offer John Foster, Cashier of the Harrisburgh bank, to prove that William Findlay, now Governor of Pennsylvania, was under pecuniary obligations to a particular individual: this evidence is now offered because the petitioners intend to follow it up with irrefragable proof, that subsequently to the election of Governor Findlay, an officer was by him appointed on the express condition that the officer so appointed should divide the fees of his public office with the individual to whom William Findlay had previously to his election been under pecuniary obligations.]

[The committee over-ruled the *order* of this testimony, not the testimony itself, for the reasons assigned in their resolution. See page 14.]

WILKINS. Have you any knowledge of any matter or thing in relation to the charges against Governor Findlay, which would go to implicate the Governor as corrupt?

Ans. I cannot answer that question. I will answer questions as to matters of fact—this would be matter of opinion.

[First charge against the Governor read.]

WILKINS. Have you any knowledge of any facts which bear on the first charge?

Ans. I know nothing as to that charge; all that I know would be relative to the notes and checks in bank. I think it my duty to object to the exhibition of any private accounts in the bank. I am already under the obligation of an oath not to disclose the private accounts of any individual that may be recorded in the books of the late branch bank of Philadelphia, now in my care, or in the books of the Harrisburgh bank, except by permission of the individual. If the Pennsylvania bank, and the Philadelphia Bank are protected by their charters, it is my opinion that the Harrisburgh bank is likewise. All the information I could give the committee would be from the bank books, but I would prefer giving an abstract from the books of the bank with the consent of the individual: the transfer of the books of the Philadelphia bank and Harrisburgh bank was made 29th September, 1817.

[Eighth charge against the Governor read.]

TODD. Do you know of any person being commissioned by Governor Findlay, on condition that said person should pay over at stated times, a portion of the fees of said office to a third person, to whom the Governor was under pecuniary obligations ?

Ans. No.

MIDDLESWARTH. Do you know any other matter relating to official misconduct of the Governor ?

Ans. I cannot answer that question : that which I might consider official misconduct others might not consider so. My reason is this, that on a former occasion I was examined in the investigation relative to the state treasurer ; my testimony was given to the public in terms directly opposite to that which I gave to the committee, as may be seen by reference to my testimony and the report.

DOUGLAS You have directed your attention to transactions before Mr. Findlay became Governor—When you say what you might suppose official misconduct in the Governor, do you allude to transactions before he became Governor ?

Ans. I allude to the question first asked me.—I do allude expressly to the examination of myself before the committee appointed to investigate the conduct of the state treasurer. I have no knowledge with respect to appointments by the present executive. I was never consulted and never inquired about them. I never applied to him for myself or for any other person for any appointment.

JOSEPH OGILBY, SWORN.

MIDDLESWARTH. Have you read the charges against the Governor, and have you any knowledge of any of them ?

Ans. I have read them and I have not any knowledge of any of them.

MIDDLESWARTH. Have you any knowledge of any other official misconduct besides what is contained in the charges ?

Ans. I have not

JOHN HUMES, Sworn.

BINNS. Did you ever receive any letter or letters from the Governor of this commonwealth, touching your taking into your employ Alexander Wilson ?

Ans. I did receive a letter from him wishing me to get a situation for Mr. Wilson as a clerk ; I have not got the letter that I know of ; my doing so would oblige him. I think that was the amount of the letter.

BINNS. What passed between you and Alexander Wilson in consequence of your receiving this letter ?

Ans. I was trying to get a situation for Mr. Wilson ; I told him also if there was any change in the firm of Humes & Lippencot, that I could give him a situation.

BINNS. Was this before you were commissioned by the present Governor an auctioneer ?

Ans. I am not certain ; it was when Mr. Wilson came to Philadelphia to put himself under the hands of Dr. Physic. I do not recollect the time exactly.

BINNS. Did you not agree to take Alexander Wilson at a certain yearly salary agreed upon between you and him ?

Ans. Never. There never was a word mentioned about a salary at any time. It never came so near a certainty as that.

BINNS. Were you ever called upon to accept any drafts or indorse any notes, the proceeds of which you were informed were to be applied to the use of the present Governor ?

Ans. No.

BINNS. Have you ever advanced any money for the use of the present Governor ; If aye, how much and at what times ?

Ans. I bought a number of little articles for the Governor at different times, as also for the former Governor, Snyder. I was in the habit of doing so for them both. I cannot tell the amount—between 12 and 1300 dollars worth, this is not in advance but for purchases I made at different times ; sometimes the money was paid at the time, and sometimes when I sent on the bills to the Governor.—I never sent them on but what he generally sent me the money.

BINNS. How much have you been in advance for the Governor at any one time ?

Ans. In the purchase of the carriage, I did not purchase it myself—Mr. Findlay, the Governor, was with me at the time; it was the first time he was in Philadelphia after his inauguration, I went with him to the coach makers, he left word with the coach maker, in my presence, that I would attend from time to time, to the building of it, and give instructions respecting the colour, &c. and I was to inform the Governor when it would be ready. When it was ready, the coach maker called on me and told me he wanted the money, and handed me the bill. I told him then, it was generally understood there was a credit of six, nine or twelve months, that people from the southward, generally had that credit. He said there was nothing stated at the time the carriage was bespoke. I think I told the Governor myself there was a credit; however, he, the coach-maker, insisted upon being paid at a certain time—without my informing the Governor, I gave my own note at sixty or ninety days, which he said would answer his purpose, as he could get it discounted at bank. I think I wrote to the Governor, stating to him that I had made the arrangement, and paid the coach-maker; I do not positively know whether it was at the time the note was due; it might have been some time after I had given the note. The Governor answered, he was not plenty of money at the time, as he was laying out a great deal in furnishing his house, and in purchasing a number of articles at this time. I told him it made no difference, if the interest was paid. I wrote to the Governor, to that effect, but have no copy of the letter. The Governor paid me. There was an account open between us—he was sending me money, and I sending him articles for his family—all that was got by me was for his family use.

BINNS. Did other persons sometimes make purchases for the Governor, and send the bills to you for payment?

Ans. I think there was one bill that I called for myself—I think Mr. Wilson was along with me.

BINNS. What was that bill for?

Ans. I think it was Mr. Ray's bill, the upholsterer; I do not recollect what the amount of that bill was, but that and some other's added to it, amounted to \$250; the bill was sent to the Governor, and he sent me the money.

BINNS. Repeated the question.

Ans. I do not know of any other bills that were sent to me for payment.

BINNS. Was the bill for the glass, purchased by Mrs. Smith, for the Governor, sent to you for payment?

Ans. I do not recollect any thing about it. I do not recollect of having any thing to do with glass ware—I was in the grocery way. I was in the habit of giving my notes for cotton, for the former Governor, while I was an auctioneer. Mr. Snyder had a factory at Selinsgrove. I think I have received money through Mr. Binns, for Governor Snyder; once or twice, I think, 3 or \$400 at a time. I believe I never done a favor to those two gentlemen, (the two Governors,) that I would not have done for any other person I had confidence in.

DOUGLAS. Do I understand you to say, that you supplied the families of both Governors with articles for their use?

Ans. Yes, I charged every cent's worth of what they got, to them.

DOUGLAS. Do you still continue to supply Governor Findlay with articles he wants, for his family?

Ans. Yes, I sent him something about a couple of weeks ago—I think a quarter cask of wine. I do not know that I have paid for it yet, myself. I have not brought the bill with me.

DOUGLAS. Was your account with the late Governor of this commonwealth, settled and discharged at his death?

(*Overruled*)

DALLAS. Was the situation for which Mr. Wilson made application to you, and which you stated your readiness to give him, in case the firm of Humes & Lippencot was changed, to be a sinecure?

Ans. No.

DALLAS. State to the committee what situation you contemplated giving Mr. Wilson; what services would be annexed to that situation; and what compensation would flow from it?

Ans. That would be hard for me to tell, until he got into the service. I could not tell what his services would be worth—the auction business is difficult—seldom one clerk can do all the various kinds of business.

DALLAS. Did you contemplate employing Mr. Wilson in the same manner, and upon the same terms, that you would engage other clerks for the firm?

Ans. I should suppose we would have taken him as we did any other clerk, and paid him in proportion to his services—that was my intention.

DALLAS. Did the Governor in his letter to you, propose, or intimate, or insinuate any thing, which did not leave you at perfect liberty to consult your own inclination, and your own views, whether to employ Mr. Wilson or not?

Ans. Certainly, it was entirely left to myself; he mentioned he was his friend, and that if I could, he wished I would assist Mr. Wilson—nothing more than that.

DOUGLAS. I wish you to state how long it is since an intimate acquaintance commenced between the Governor and yourself?

Ans. I do not recollect—along time before he came from Lancaster; I think about the time he was first appointed treasurer.

BINNS. Did not Mr. Wilson apply to you for a situation in your store, after your appointment by Governor Findlay, and did not your partner, Mr. Lippencot, refuse to take him, and did not you, with the Governor's knowledge, offer to pay Wilson a certain sum out of your own pocket, without any services to be rendered by Wilson?

Ans. No, I never offered to pay a cent. Mr. Lippencot and I had a conversation, and we thought Mr. Wilson was not so capable for a clerk, being slow. I think I stated to Mr. Lippencot, if there was a situation we could give Mr. Wilson, I wished to give him one; at this time we had more clerks than we wanted—I did not wish to turn any of them off who had been with us some time, and understood the business. At this time Mr. Joshua Lippencot had an idea of withdrawing, and wished me to continue with his brother. If he had, my intention was to connect myself with another partner, and make other arrangements; that was the reason I gave Mr. Wilson, if there was a change in the firm, I would take him.

WILKINS. Had the accounts and money transactions with the Governor, of which you have spoken, any particular feature, distinguishing them from usual transactions of the kind, where a merchant of Philadelphia obliges a friend or acquaintance in the country, or have they had any connexion with your appointment, or Mr. Findlay's duties as a Governor?

Ans. No, none further than with any other friend.

WILKINS. Did the letter of recommendation from the Governor, in favor of Alexander Wilson, contain any thing more than a common request, that you would aid him in getting employment?

Ans. No, nothing more.

RANDALL. Did not the Governor at all times, express a desire to oblige Alexander Wilson?

Ans. I do not know; the letter I received was all I know upon the subject of the Governor's desire to oblige Mr. Wilson. I believe the Governor wished to assist him. I should have assisted Mr. Wilson, even without the Governor's letter, from the acquaintance I had with him.

RANDALL. Do you know of any other misconduct on the part of the Governor, other than what you have been interrogated to?

Ans. No.

RANDALL. Have you at any time advanced money or accepted drafts, for any other person, or procured the same to be done at the request of the Governor of this commonwealth?

Ans. No, I have not.

COXE. Do you know whether Alexander Wilson was a clerk in the treasury's office, while Mr. Findlay was treasurer?

(Overruled.)

JAMES HUMES. Sworn.

BINNS. Were you ever called upon to accept any drafts, or indorse any notes, the proceeds of which you were informed were to be applied to the use of William Findlay, since he was elected and sworn in, as Governor of Pennsylvania?

(Overruled.)

WILKINS. Have you been called upon to accept any drafts, or indorse any notes, the proceeds of which you were informed, were to be applied to the use of William Findlay, since he was elected and sworn in, as Governor of Pennsylvania, and which have had any connexion with his official conduct, the appointment of officers, or the duties of any man in office, under the appointment of the Governor?

Ans. No, never

RANDALL. Do you know of any matter or thing connected with the charges against the Governor, except those you have been interrogated to.

Ans. No.

DOUGLAS. State whether you have heard of any contract between the Governor and any other person, relative to the purchase of his property in Allegheny county, and what was offered for it.

[*Over-ruled.*]

RANDALL. How much do you suppose the Governor is worth ?

[*Over-ruled.*]

Adjourned, until 3 o'clock, P. M.

SAME DAY, 3 o'clock, P. M.

REDMOND CONYNGHAM, Sworn.

BINNS. Had you any conversation with Mr. Bache in 1818, on the subject of Mr. Lisle's engagement to take Mr. Samuel Fox at a salary of \$2,000 a year. If you had, state what that conversation was ?

Ans. I was merely present at a conversation—I heard Mr. Bache say, that in conformity to instructions which he had received from Thomas Sergeant, secretary of the commonwealth, he had procured a situation for Mr. Fox, with Mr. Lisle; Mr. Lisle was to pay \$2,000 a year to Mr. Fox; it is needless for me to give the whole of it, it was a long conversation. This is the purport of it.

BINNS. Did or did not, Mr. Bache express regret that he had had any thing to do with negotiating with the applicants for auctioneers, in consequence of the secretary's letter ?

Ans. Yes, sir, I remember that perfectly, it made an impression upon my mind at the time, which cannot easily be erased.

BINNS. Please to state, sir, what passed between you and Governor Finckley on the subject of appointing captain Earl, harbor-master, of the port of Philadelphia.

Ans. I called to see Mr. Findlay, in Philadelphia on his first visit to the city after his election, I then spoke to Governor Findlay in favor of capt. Earl, in presence of capt. William Jones of the United States' Bank, who joined me in the request, and John Steel who is now in Harrisburgh, who I believe was one of the signers of capt. Earl's petition. After leaving him, the Governor accompanied me out of the room to the front door, and requested that I would leave a memorandum with Alexander Wilson, relative to the appointment of captain Earl, and captain Earl should be commissioned. This is all the conversation at that time with the Governor.

BINNS. Pray, sir, had you any further conversation on this subject, at any future time with Governor Findlay?

Ans. No, sir.

BINNS. Previous to the mention of the name of Alexander Wilson by the Governor, when he accompanied you out of the room had the name of Wilson occurred in the course of your conversation, at that time?

Ans. Certainly not.

BINNS. Have you, sir, had an opportunity of perusing, and did you peruse any correspondence between Governor Findlay and the late Alexander Wilson, in which the Governor acknowledged himself to be under pecuniary obligations to Alexander Wilson. If you have read such letters, please to state their purport to this committee?

[*Question postponed for the present.*]

RANDALL. Who are the executors of Alexander Wilson?

Ans. Mrs. Wilson is executrix, Mr. Graham acts as agent.

RANDALL. Do you know who has the possession of Alexander Wilson's papers?

Ans. I do not know. When I read the papers they were in the possession of Alexander Wilson himself, in his life time.

JAMES GRAHAM, Sworn.

BINNS. Do you know where the letters and other papers of the late Alexander Wilson, are at this time?

Ans. No, sir.

BINNS. In whose possession were the papers, when you last saw them?

Ans. I gave up the papers of the estate to Mrs. Wilson. I left them at the control of Mrs. Wilson.

DOUGLAS. Do you know where Mrs. Wilson is at present ?

Ans. She is somewhere in the state of New-York, I believe.

DOUGLAS. When did you last see her ?

Ans. I think it was some time in October last.

DOUGLAS. Do you know of your own knowledge, that she is in the state of New-York ?

Ans. Nothing more than that she left Philadelphia to go there.

RANDALL. Have you seen her since ?

Ans. Not since she left Philadelphia, to go to New-York.

DOUGLAS. What is your situation with respect to Alexander Wilson's estate, in what capacity do you act ?

Ans. I was agent for the executrix.

DOUGLAS. Has she left with you, sir, the evidences of money transactions, relative to that estate—such as papers, notes, &c. ?

Ans. I had them all at one time, but I have them not now.

DOUGLAS. Are you still agent for the executrix of that estate ?

Ans. No, sir, not formally. I still receive some rents for her here, and forward them on to her.

DOUGLAS. You still continue to do so ?

Ans. Yes.

DOUGLAS. Do you know whether she retained those papers you gave her, or gave them to some other person ?

Ans. I do not know. She talked of putting them in some other person's hands, but whether she did or not, I do not know.

DOUGLAS. Did she mention that when you gave her those papers ?

Ans. Yes. I said I was tired of the business, and the papers were at her control, and I presume she gave them to some one else.

RANDALL. Who is that person ?

Ans. I think Mr. Brown—Mr. James Brown.

DOUGLAS. When did your agency for that estate comlaence ?

Ans. About this time twelve month, shortly after the death of Mr. Wilson.

RANDALL. Do you know that the papers ever went out of her possession after she got them ?

Ans. I do not know.

REDMOND CONYNGHAM, called again.

WILKINS. When were the letters you read written, anterior or subsequent to the election of the present Governor ?

Ans. Since the election and previous—the letters were numerous.

WILKINS. Were the letters in question of a private nature, expressive of the writer's feelings and sentiments, in relation to private matters; or did they at all relate to executive business, offices or places in the gift of the Governor, or did they contain any promise of a place or appointment ?

Ans. There appear to be three questions—I will answer yes, to all three. There were letters relating to private business, there were letters relating to public business, and there was a letter, in which, something was said relative to an office for Mr. Wilson, by Governor Findlay.

WILKINS. Are you acquainted with the hand writing of the Governor—have you seen him write ?

Ans. In answering, I will merely observe, that in the letters which I saw, the signature was the same, but the hand writing in the letters was not always alike.

WILKINS. Have you seen the Governor write, and are you acquainted with his signature ?

Ans. I have never seen the Governor write—I have been shewn his signature.

WILKINS. Were the signatures to the letters in question, the hand writing of the Governor ?

Ans. Alexander Wilson shewed me these letters as the Governor's, and I have every reason to put confidence in him.

[After this examination the committee directed the witness to answer Mr. Binns' last question, so far as it relates to executive business, to offices or places in the gift of the Governor, or to any assurance to obtain a place under any one appointed or to be appointed, by the Governor.]

Ans. I would wish before I answer, to be indulged in an opportunity to state how I came to read those letters of Governor Findlay, in question.

I was the confidential friend of Alexander Wilson. I had a variety of conversations with him in the winter of 1817-18 ; in March 1818, I called on him to obtain a number of my land papers, he acted as my land agent at Harrisburgh ; he represented to me the unpleasant situation in which he then was, that he had removed to Philadelphia for two reasons, first on account of ill health, to be near Dr. Physick ; second, on account of a promise made by Governor Findlay to provide for him. Governor Findlay in the first place was to procure a situation for him in the United States Bank, through Mr. Findlay's friend, Mr. Smith, the cashier of that bank ; this not having been obtained by Mr. Wilson, Governor Findlay was to obtain a situation for him with Mr. Humes as clerk ; in order to prove this he went up stairs and brought down a bundle of papers, which consisted of memorandums, both of Mr. Findlay's and Alexander Wilson's, letters from William Findlay to Alexander Wilson, some from Franklin county to Alexander Wilson when Alexander Wilson was at Harrisburgh, and many of the letters dated Harrisburgh when Wilson was in Philadelphia. Having now shewn the reason why those letters were produced, it may be necessary for me to state the purport of some of the letters themselves :—The first was a letter signed William Findlay, it contained an extract from a letter written to John Humes, the extract as far as I can recollect was in these words, “ *If you can give Alexander Wilson a situation in your auction store you will oblige me* ” The letter was principally relative to the desire Governor Findlay had to give Alexander Wilson a situation in consequence of Governor Findlay not getting a place for him in the bank of the United States, as he had promised, through his friend Mr. Smith ; this increased his desire to obtain a place for him with Mr. Humes. The next letter related to a loan, as I understood at the time, obtained by Alexander Wilson for the use of the Governor. This is all that relates principally to the Governor since his inauguration ; other parts related to other matters on several subjects

BINNS. Did you ascertain what was the amount of the loan obtained by Alexander Wilson for the Governor ?

Ans. No, sir ; when I mentioned the bundle of papers, I think I ought to state explicitly that it consisted not only of letters and memorandums, but of notes of Alexander Wilson, indorsed by William Findlay, and bank books.

BINNS. Did you at any time early in the year 1819, hear the then secretary of the commonwealth, in presence of the Governor, declare that certain officers should be removed from office ? If aye, state what passed upon that occasion.

Ans. I think it was in January 1819, when I dined at the Governor's in company with the members, I think, from Philadelphia, and the members from Bucks county, to the best of my recollection.—When the members were going away I arose to follow ; Mr. Sergeant stopped me by saying that he wished to have a conversation with me. Mr. Sergeant commenced by speaking of the parties in Luzerne county, (when I say parties I mean a division in the democratic ranks.) He was surprised at Mr. Reeder being the representative from Luzerne county, and understood that he was elected by a union of the federal party and one branch of the democratic party : he asked whether the division in the democratic party was the consequence of judge Scott being appointed to that district ? I told him that it was, and he immediately replied that Messrs. Beaumont and Maffit should be removed from office, on account of a toast drank on the 4th of July. The toast is in these words :—

“ Thomas Burnside, Esq. late president of our courts, esteemed for his virtues as a man, and his uprightness as a judge, we regret his departure from among us, and deprecate that system of “*accommodation*,” which points out a successor without first consulting “the wishes of the people.”

This was in the presence of the Governor ; I do not know whether he heard us or not, or whether he was in conversation with another person or not ; Mr. Sergeant was asking me questions and I answered him. He, Mr. Sergeant, also said that Messrs Jennings, Matthew Randall and others should be removed from office because he understood they were hostile to the present administration. To shew the impression made on me at that time, I wrote to Mr. Maffit to inform him that he would be removed, I told Mr. Jennings also of it in Philadelphia, that I understood he would be removed, and I mentioned to Mr. Josiah Randall at a dinner given to general Jackson in Philadelphia, that his father would be removed from office.

The first conversation with the Governor related to the state of parties in Luzerne county, he inquired particularly about the Reed-erites and the Whitneyites, as they were termed at the time, and regretted the division, and asked me whether a reconciliation could be

made with the Scott party or Whitneyites, and the Reederites. I told him no, the division had gone to such a length that it never could be adjusted in an amicable manner. This is the purport of the conversation with the Governor. In the conversation with the secretary, he asked me to which of the parties I belonged, I said I was a Reederite, and that stopped his mouth, he said no more on the subject after that.

DALLAS I wish you, sir, distinctly to remember at what time this conversation took place, when Mr. Steel and captain William Jones were present, and when as you say, the Governor accompanied you out to the door, whether William Findlay had been inaugurated as Governor of this commonwealth.

Ans. He was not the Governor of the commonwealth at the time I had this conversation ; he was in Philadelphia, it was previous to his inauguration.

RANDALL. Do you know of any official misconduct of the Governor of this commonwealth besides what you have been already interrogated to ?

Ans. I cannot answer that question agreeably to the rules the committee have laid down.

All that I do know relates to transactions which occurred between Alexander Wilson and Governor Findlay, and I understood distinctly from the committee, that what related in any way to the treasury should not be brought forward at this moment, or any pecuniary transaction with Alexander Wilson.

RANDALL. The question of the chairman was confined to the official conduct of the Governor, as Governor of the commonwealth, which you know of your own knowledge, besides what you have already been interrogated to.

Ans. That is a difficult question for me to answer ; I hope the committee will not enforce it.

[Here the chairman repeated his question, and explained its import to the witness.]

Ans. I would answer to that at once, that I know of no other than that to which I have been examined.

WILKINS. Did Alexander Wilson ever receive any appointment of any kind from the Governor after he left the treasury department ?

Ans. No, sir, he did not. I understood an arrangement was made.

DOUGLAS. Was your information from the Governor ?

Ans. No, sir.

BINNS. Do you know, Mr. Conyngham, whether Alexander Wilson, had been long enough a resident of the city and county of Philadelphia, to have been constitutionally appointed to office by Governor Findlay ?

Ans. His not being so was the reason why he did not receive an office from the Governor.

WILKINS. What constitutional residence is necessary for a man removing from one part of the state to another ?

Ans. I do not know the number of months.

WILKINS. Do you know whether any number of months is necessary ?

Ans. I understood it was the regulation of the city.

WILKINS. Can the regulations of the city alter the constitution of the state ?

Ans. No, sir.

COXE. How long did he reside in the city ?

Ans. Six months nearly. I would mention it decidedly that one of the letters from Governor Findlay, stated the reason why he could not give him an office was, because he had not resided there the constitutional period.

DOUGLAS. Do you know, sir, what the date of that letter was ?

Ans. It is impossible at this length of time for me to state, although I have a good memory, as all my friends know, and can inform you, I think it was in February, 1818 ?

DOUGLAS. Was it in that letter the Governor stated the constitutional objection.

Ans. I think it was.

DOUGLAS. Do you know when Mr. Wilson went to reside in Philadelphia ?

Ans. I think it was in October, 1817, when he went there and put himself under the care of Dr. Physick.

DOUGLAS. Did he continue to reside there until he died ?

Ans. Yes—he died in January, 1819.

DOUGLAS. Do you, sir, know when captain Earl was appointed harbor master of Philadelphia ?

Ans. I was privy to most of the circumstances—I told captain Earl that he would be commissioned in March, 1818—the commission was sent down March—captain Earl had sailed a few days previous.

DOUGLAS. Was that the first commission ?

Ans. I think it was.

DOUGLAS. When was the second commission sent down ?

Ans. To the best of my recollection it was in September, 1818. I know that the application was renewed in August, 1818, by Alexander Wilson, for captain Earl.

DOUGLAS. Were you a recommender of captain Earl ?

Ans. I was a strong one, in consequence of the number of respectable persons in Philadelphia, who applied to me.

DOUGLAS. [*Reads the letter from Mr. Conyngham to the Governor, dated November 24, 1817.—See APPENDIX, No. 21.*]

Ans. It relates only to the first appointment and is a private letter—I did not write on the second application. I acknowledge the letter—I wrote it from statements made to me by very respectable sea captains—and the principal reason why I did not interfere the second time was, because on an inquiry into captain Hawke's character, I found these were statements that were not exactly correct.

DALLAS. Is that letter your hand writing ?

Ans. Yes.

DALLAS. [*Reads a letter from Mr. Conyngham to the Governor, dated March 2, 1818.—See APPENDIX, No. 22.*]

Ans. It states exactly the facts—I will state the reasons why this letter was written : I received letters written by respectable persons in Philadelphia, when in Lancaster, stating that captain Josiah ought not to be appointed, because he had interfered in the appointment of captain Earl, and because he was an old-schoolman. A number of persons in Mifflin township, Columbia county, the

township adjoining where I live, wrote to me and requested me to interfere for Mr. Yohe, as a justice of the peace.

DOUGLAS. Did you ever undeceive the Governor as to your mistatements about captain Hawkes ?

Ans. I did not undeceive him—I did not know that I was incorrect until after Mr. Earl had sailed.

DOUGLAS. Was not captain Hawkes re-appointed to that office during the absence of captain Earl ?

Ans. He was.

DOUGLAS. Was not your second recommendatory letter upon the return of captain Earl ?

Ans. No, sir.

WILKINS. You have spoken of the Governor being under obligations to appoint to office. By your letters to the Governor, just read, do you mean that the Governor was under obligations to appoint to office, because the applicant was a correct politician, or because a justice of the peace might be serviceable at home, in a political cause ?

Ans. One of these gentlemen was a federalist, the other a republican. Why, sir, I mean that they are true Americans—by that, I mean that they were both in favor of the late war, and for that reason correct politicians.

DALLAS. You state in your letter to the Governor, that captain Hawkes was appointed through the influence of a certain Philadelphia printer—please to state who that printer was ?

Ans. I cannot recollect the circumstance. I cannot recollect who it was—it is a long time ago—I recollect the letter, but I do not recollect the circumstance.

TODD. Was the loan mentioned by you, the loan in which Mr. Steel had any agency ?

Ans. None that I know—it related to the treasury business.

Adjourned until 10 o'clock to-morrow, A. M.

WEDNESDAY, January 26, 1820.

PETER GWINNER, Sworn.

[BINNS. The petitioners having, by the testimony of Robert Taylor, shewn that the Governor, when acquainted of the withdrawal of the name of Peter Gwinner, then a resident of Northampton county, as an applicant for the office of auctioneer in the city of Philadelphia, and of his wish and that of his friends, that Robert Taylor should be appointed an auctioneer; that he, the Governor, was also acquainted with the fact, that they had made a partnership arrangement, upon which this union of interest was predicated. We now propose, by Peter Gwinner, to shew, that he never had one cent of capital vested in any business with Robert Taylor, that he never gave one hour of his time to the prosecuting of any business with Robert Taylor, and thus establish the fact, that for the thousands of dollars, Mr. Gwinner and his agent, Thomas J. Rogers, received from Robert Taylor, he never received in return any thing but the interest of Mr. Gwinner and his friends with the Governor, to secure the appointment of Mr. Taylor.]

BREWSTER. Had the Governor a knowledge of the terms of the partnership between you and Mr. Taylor, or was it a private arrangement between you and Mr. Taylor?

Ans. He had not to my knowledge. It was entirely a private arrangement between Mr. Taylor and myself.

MIDDLESWARTH. Have you any acquaintance with the Governor?

Ans. I never saw him until the 12th of this month, nor have I had any correspondence with him on any subject whatever

[DALLAS. The counsel for the Governor desire it to be distinctly understood, that they do not and cannot object to the examination of Peter Gwinner, esq. upon any matters, or in any way, that will shew the knowledge of the Governor of this commonwealth, of the terms of the partnership which existed between himself (Peter Gwinner,) and Mr. Taylor; they only object to any evidence being given of those terms, after the explicit declarations of Mr. Taylor and Mr. Gwinner, that they were wholly unknown, as far as their knowledge extends to the Governor, because they do not consider them, in consequence of those declarations, as in the least relevant to an inquiry into the criminality or innocence of the Governor.]

[*The testimony proposed by Mr. Binns, overruled.*]

BINNS. You say that this partnership arrangement between you and Mr. Taylor was entirely a private arrangement between you and him—when was that private arrangement made?

Ans. I think it was made, if my recollection serves me, after Mr. Taylor received the appointment.

BINNS. Had you ever seen Mr. Taylor before that arrangement had been settled between him and Thomas J. Rogers?

Ans. I do not conceive myself bound to bring any of my friends into the business. The correspondence between Thomas J. Rogers and myself, was entirely of a private nature. The arrangement was made between Mr. Taylor and myself, by which I had entered into a kind of co-partnership, was without the knowledge of Mr. Rogers.

Do you mean to say, that this kind of co-partnership between you and Mr. Taylor was made after the appointment of Mr. Taylor, and without the knowledge of Thomas J. Rogers?

Ans. That I believe to be the fact: The arrangement between Mr. Taylor and myself, under which I received any thing, was made between me and Mr. Taylor, without the knowledge of Mr. Rogers, so far as I know—Mr. Rogers knew there was an understanding before, and Mr. Taylor and I met afterwards—I will not be certain, but believe it was some time after his appointment, the arrangement was made, under which I received any thing.

DALLAS. Had or had not, the Governor of this commonwealth, though as you state, wholly unknown to you, at the time of the appointment of Mr. Taylor as auctioneer, nevertheless, such a sneaking partiality for you, that he would insist upon imposing you as an incumbrance, at a salary upon his officer, Mr. Taylor?

(*Overruled.*)

DALLAS. Have you or have you not, since the appointment of Mr. Taylor, addressed a letter of thanks and of gratitude, to the Executive of this commonwealth, for having enabled you, though wholly unknown to him, to enjoy the benefits of the commission he bestowed upon Mr. Taylor?

[*Overruled.*]

DALLAS. Do I understand you to say, that at the time Mr. Taylor was appointed, Mr. Rogers may have been aware of an understanding existing between yourself and Mr. Taylor; but that you do not believe he was at all acquainted with the arrangement subsequently made in pursuance of that understanding between yourself and Mr. Taylor, and from which you may have derived some benefits from the appointment of Mr. Taylor?

Ans. He was not acquainted with the arrangement under which I received any emoluments, of my own knowledge, I speak.

DOUGLAS. You have stated that Mr. Rogers may have been acquainted with an understanding between Mr. Taylor and yourself, before the appointment of Mr. Taylor. Do you mean by the term understanding, a contemplated partnership between Mr. Taylor and yourself?

Ans. O, yes; my intentions were at the time, to go to reside at the city of Philadelphia.

DALLAS. The counsel of the Governor offer to ask Mr. Gwinner the following question. "It has been stated to this committee that you absconded from Harrisburgh after you had come here as a witness, in obedience to process issued by this committee at the request of the petitioners. I wish you to state not your private reasons for going away, but whether you did not communicate your intention so to do to the counsel for the petitioners, and all the circumstances connected therewith?" This question is offered in order to rebut the least idea or surmise, that the witness was induced to quit Harrisburgh, in consequence of any partiality for the Governor, or in consequence of any desire, expressedly, or even any intimation given to the counsel for the Governor, or any one concerned on behalf of the Governor, and that he apprised the counsel of the petitioners of his intended departure, of his contemplating an early return, and of his determination immediately to come back if they, or either of them, the counsel of the petitioners, wrote him word that he was wanted.

(Over-ruled.)

DOUGLAS. Have you read the charges adduced against the Governor?

Ans. I have read them in the public news-papers.

DOUGLAS. Have you any knowledge of any thing appertaining to them in any degree whatever, or of any matter derogatory to the official integrity and conduct of the Governor?

Ans. I have not.

WILLIAM HAWKES, Sworn.

BINNS. Were you an applicant early in 1818, to the Governor for the office of harbor-master of the port of Philadelphia?

Ans. Yes.

BINNS. Please to state what was the nature and strength of the recommendation which you had laid before the Governor in support of that application ?

Ans. I wrote a letter to the Governor at that time.

BINNS. Did you send on a recommendation at that time ?

Ans. I sent on a recommendation inclosed in a letter, signed by all the wardens of the port, and by the principal part of the mercantile people in Philadelphia, concerned in shipping and wharves, and signed also by a considerable number of our most respectable democratic inhabitants, amounting I believe, to eighty or one hundred different houses or firms, which I had reason to believe from what was said by the Governor to our friends, applicants for office, appeared to be so satisfactory, and I had this from the Governor afterwards—that they understood one and all, that I was likely to be re-appointed to the office of harbor-master, from which circumstance I firmly believed there was no doubt of my being re-appointed ; but to my great surprise, sometime in the month of April, I saw in the public prints, announced as harbor-master, captain Caleb Earl. At the time this was first known to me, captain Earl had left Philadelphia, bound to Europe. I consulted a number of my friends to know their opinion what I had best do—they all advised me to go up to see the Governor myself—I arrived here on a Saturday, and waited upon the Governor after dinner. He happened to have no company at that time (this was in April, 1818) we conversed a long time together upon the subject I came upon. I mentioned to him the circumstance of captain Earl being gone to sea ; he told me that he had received a letter by the post of that day, mentioning that circumstance, and also in the same letter there was mention of a certain person, he did not say who it was, who had offered his services to act as harbor-master until captain Earl should return ; but, says the Governor, it is very absurd to write such a letter, for, as the person for whom the commission had been sent down had gone to sea without ever receiving the commission, he could not possibly deputize any person to act for him, and he made this observation, “besides, when a man goes to sea we do not know that he will ever return.” He then mentioned, that on Saturday it was the custom in the afternoon not to do business in the public offices—from this kind of conversation I was fully satisfied that the Governor had no objection to granting me the commission. I then took my leave of the Governor, saying that I intended the next day, which was Sunday, to return to Philadelphia—a short time after, say Tuesday or Wednesday following, the commission came down to me. In a few months afterwards, I saw in the public prints again, the name of Caleb Earl in the place of William Hawkes, turned out, as harbor-master. I certainly felt hurt at the business, not being apprised in the most distant degree of any such transaction—I looked upon it, that it was in fact, hurting my character, as people would naturally ask the question,

one with another, why I had been turned out of office so soon after being appointed, and naturally draw the conclusion that I had been guilty of some crime. I believe that is the sum and substance of what I know in the matter.

BINNS. How did it happen that the Governor mentioned to you the circumstance of the public offices at Harrisburg not being open on Saturday afternoon?

Ans. I suppose by his making that observation, that he could not do any business for me at that time.

BINNS. Is the office of harbor-master a salary office, or does the officer receive certain fees for the duties which he is called upon to perform?

Ans. The harbor-master receives no other pay than one dollar for each ship or vessel arriving at the port of Philadelphia of seventy-five tons and upwards.

BINNS. In the course of the conversation which you had with the Governor, did he make any inquiries as to the amount of those fees?

Ans. Yes. I explained to him as I have done before the committee now.

DOUGLAS. How long had you been before your last appointment, harbor-master of the port of Philadelphia?

Ans. Six years, I believe, exactly.

DOUGLAS. Who was your predecessor?

Ans. Samuel Young, for eighteen years—until he died, in fact.

DOUGLAS. Were you not the deputy of captain Young, as harbor-master, at his death?

Ans. I was. And immediately on the death of captain Young, I wrote to Governor Snyder, informing him of the event taking place, and that I hoped he would put me in the same situation captain Young had been in. He continued to let me act as deputy harbor-master, until the beginning of the next year, when he sent me down the commission. I did the duty until April, 1818.

DOUGLAS. How long had you your first appointment under Governor Findlay?

Ans. It was I believe from the latter end of April, all through the

summer, until about the fall of that year—six or seven months. I cannot say exactly.

DOUGLAS. Had captain Earl then arrived?

Ans. He had arrived before that time—I do not know how long?

DOUGLAS. Can you state the aggregate or amount of fees receivable in the office of harbor-master, within the term of one year?

Ans. About three years of the time that I held the first commission I had under Governor Snyder, included the war and embargo time, which put a great stop to commerce. In all that term of three years I did not receive more than about sixty dollars a year, and for the remainder of the term of six years (I speak of) it averaged about four hundred dollars a year—In common years when commerce is not cramped, I think it would average about 750 or 760 dollars a year.

DOUGLAS. What do you suppose would be the amount of fees in the office of harbor-master of the port of Philadelphia, in the depressed state of commerce in 1818.

Ans. I believe they would amount to the sum I mentioned before, of 750 or 760 dollars—because, although large ships are in general thrown out of employ, yet the small vessels pay the same, and in fact are more numerous than they were, and make up the number of arrivals at Philadelphia, equal at least to the year previous, when commerce was not cramped.

DALLAS. It has been stated in a letter written by Mr. R. Conyngham to the Governor of this commonwealth, in depreciation of your claims, that you were an Englishman and fought against the American cause in the revolutionary war. I wish to give you an opportunity to state what is the fact.

Ans. I gave a full and perfect statement of the facts in a letter to the present Governor.

DALLAS. Did Mr. Conyngham ever, in any way, apologise to you, or make any amends, for having thus mistated your character and principles to the Governor of this commonwealth?

Ans. I have said before, and say now, I never seen Mr. Conyngham till I saw him in this place. He did not apprise me of it by letter—he did here; never before, saying that he had been deceived respecting me, and gave that as a reason, his being undeceived previous to captain Earl's return from sea, that he was solicited again to come forward in favor of captain Earl, and refused, because he had been undeceived with respect to my character.

DALLAS. Was this apology of Mr. Conyngham, which you have mentioned as having been made here, and not before made, after the reading of his letters to the Governor of this commonwealth, before the committee of inquiry yesterday?

Ans. It was after.

RANDALL. At the time you were an applicant for this office, did you not often hear of misrepresentation of your claims and merits?

Ans. I did, but I never could trace from whence they came.

DALLAS. Have you found out now from whence they came?

Ans. I cannot say positively as to that.

RANDALL. Have you any reason to believe that they originated in the mind of Redmond Conyngham?

Ans. I never had heard that he was.

DALLAS. Have you any reason to believe now, that they originated in the mind of Redmond Conyngham?

Ans. I have no reason to believe it, only that letter.

MIDDLESWARTH. Do you know of any other official misconduct of the Governor?

Ans. I cannot say that I personally know, having never had but one conversation with the Governor in my life, or in any manner know of his misconduct.

About the term of eight months previous to the first shedding blood in the cause of American independence, I was then very young, but every evening, except Sunday evening, I was exercised in the use of arms, in a company of about sixty, by an experienced officer. We were termed at that time, minute men, ready to turn out at a minute's warning, to meet the foe. I had never been from the time I was born, until that time, twenty miles distant from Boston, and therefore believe I was born there, or have reason to believe so. My father, grandfather and grandmother were born in America. When the Concord battle happened, orders were sent to Marblehead, where I lived at that time, to John Glover, appointing him colonel of a regiment, to be raised at that place, under the authority of congress. I passed through the revolution without having been in any other service than the American, and have had my share on board the Jersey prison ship. I was in four campaigns in the regular service, by land, during the war, and as I had been intended originally for the sea, I was in all the remainder of the war on board ships of war, in the American service, and was taken prisoner off St.

Eustatia. I sailed thirty years as master of a ship out of the port of Philadelphia.

DALLAS. Were you apprised of the fact that at the time you were soliciting the Governor of this commonwealth, for the situation of harbor master, aided by recommendations of letters of the powerful character you have described, that Mr. Redmond Conyngham, in his correspondence with the Governor, or otherwise, was making unfounded statements as to your character and claims, in order to sustain the application of captain Earl?

Ans. I never knew Mr. Conyngham previous to seeing him here; but a little before the commission was sent down, early in 1818, Mr. Humes mentioned to me that he doubted my receiving a commission, alleging that there was a person by the name of Conyngham, living back in one of the counties, who was making application for another person, and that he believed he had sufficient influence with the Governor to get the commission for that other person, but did not mention who that other person was. He was the only person who doubted my receiving the commission.

Adjourned until 3 o'clock P. M.

SAME DAY, 3 o'clock, P. M.

GEORGE A. FRICK, Sworn.

BINNS. Were you an applicant on the election of Governor Findlay, for the office of prothonotary, of Columbia county?

Ans. I was.

BINNS. Please to state to the committee, what recommendations you forwarded to the Governor in support of your application?

Ans. The recommendations that were sent on, were by the inhabitants of the county, but I cannot give their names.

BINNS. I mean to inquire whether the recommenders were numerous and respectable?

Ans. I believe they were, sir.

BINNS. Please to state, Mr. Frick, what passed between the Governor and you, when you came to Harrisburgh early in 1818, to press your appointment?

Ans. I cannot say that I came to Harrisburgh for that purpose, but when here, I called on the Governor and had a conversation with him respecting the appointment. The Governor read a letter to me in my hearing, which I believe was written by an inhabitant of Columbia county, containing some charges against me. I denied the charges contained in that letter, and wished the Governor to let me know the author's name. The Governor stated, that it was a rule he had adopted, not to disclose the name of any person that gave information respecting the characters of applicants for office. A considerable conversation between the Governor and me, respecting the difficulty of answering the charges, without I had the author's name, took place. I believe that the charges originated with a certain family that was in opposition to me, who were presbyterians; I stated that possibly the charges might have originated from some conversation respecting the presbyterian doctrine. I stated, that I was not a presbyterian, that I differed from them, that I was a Lutheran, and had been so brought up. Mr. Findlay stated it was a matter of no consequence to what religious persuasion a person belonged, to Lutheran, presbyterian, or any thing else, so that they had a religion. I then stated many acts of mine, to shew that the charge most probably was false, and among the rest, I mentioned the baptism of my son. The Governor asked if it was not Mrs. Frick, alone, that had had the son baptised. I mentioned that it was both of us. The Governor then asked if I could get a certificate of that fact. I stated, that I thought I could; he asked how soon I could send one on. I stated at what time I thought I could send one on; I think the Governor mentioned that the charge would have no weight on his mind, if such a certificate was sent on. I returned home—the certificate was obtained and sent on. I was afterwards commissioned.

DOUGLAS. Please to state when you had this conversation with the Governor, and if there was any person present?

Ans. I do not think there was.

DOUGLAS. Do I understand you to say, that this certificate of the baptizing of your son, was requested of you by the Governor, to do away those charges that were made against you, or was the certificate voluntarily offered by you, for that purpose?

Ans. I do not know that either the Governor requested, or that I offered; he asked me if I could get such a certificate, and I stated, I thought I could; that question was as fully answered in my examination in chief as I possibly can answer it.

DOUGLAS. When was this conversation had between you and the Governor as near as you can recollect ?

Ans. It was in March 1818, as near as I can recollect, perhaps in February.

DOUGLAS. Was that certificate inclosed by you in a letter to the Governor ?

Ans. No, sir. It was inclosed in a letter directed to Thomas Murray, Esq.

DOUGLAS. State to the committee whether you wrote to the Governor relative to the charges preferred against you to him, before you had with him the conversation which you now relate.

Ans. I did write to him. The charges contained in the original letter to the Governor were not the same contained in my letter ; not quite. I received a letter from a friend in Philadelphia, stating that the charges mentioned in this letter were made to Governor Findlay against me.

BINNS. Have you got the letter from Philadelphia about you ?

Ans. I have not ; but the charges are correctly copied from that letter.

DOUGLAS. I want you to state whether these are not the charges in substance, preferred against you, or embraced within them.

Ans. They are not the same quite, nor are they of so serious a nature. Those contained in the other letter would not go near so far as these.

DOUGLAS. Was it after you wrote this letter, after the Governor had received it, that you had the conversation with the Governor relative to the certificate of baptising your son.

Ans. Yes. The Governor mentioned almost directly after I was seated that he had received the letter but that he could not give the author's name, for the reasons stated.

[**DOUGLAS**, reads a letter from the witness to the Governor, dated, Danville, February 7th, 1818. See APPENDIX No. 23.]

[**DOUGLAS**, reads the certificate. See APPENDIX No. 24.]

WITNESS. That certificate was sent on to Thomas Murray, then a senator, with a request to hand it to the Governor, in a letter

written by my brother, Henry Frick. I believe I sent the letter to the post-office.

DALLAS. Did the Governor intimate to you that he wished you to send a certificate of this kind in order to prove that you belonged to any particular sect of religion, or in order to prove that you were not generally an irreligious man.

Ans. I understood that the certificate would remove the charge that was made against me ; I stated before, that the Governor stated it was a matter of no consequence to what religious persuasion a man belonged. The certificate would do away the charge, and it would be considered as unfounded.

WILKINS. Are you now prothonotary ?

Ans. Yes, sir.

WILKINS. Was yours a continuation or a new appointment ?

Ans. A continuation, sir.

WILKINS. The democratic principle of rotation was not applied to you.

Ans. I had not been in long enough.

RANDALL. How long had you been commissioned at the time of the present Governor's election ?

Ans. I was commissioned in the fall of 1813.

BINNS. Mr. Frick, was your letter of February 7, 1818, written before or after you had had the conversation with the Governor, the substance of which you have detailed ?

Ans. The letter was written before.

RANDALL. Do you know any thing relative to any other charge of official misconduct in the Governor of this commonwealth, besides what you have been already interrogated to ?

Ans. No, sir

JOHN BINNS, Sworn.

COXE. I wish you to state to this committee what you know on the subject of applications for auctioneers' commissions, as respects the taking of Samuel Fox as a clerk at \$2000 a year.

Ans. I will condense my statement of what I know on that subject, into as small a compass as possible. Mr. Jennings first mentioned the subject to me some time in March 1818 ; he stated to me [*Here the counsel for the Governor objected to hearsay testimony.*]

[*Objection sustained by the Committee.*]

WITNESS. I would wish by way of inquiry to know whether I am permitted to state what took place between me and Mr. Bache, in consequence of his having received a letter from the secretary of the commonwealth ?

COXE. What took place between you and Mr. Bache, on the subject of a letter received by Mr. Bache from Mr. Sergeant, dated the 16th March, 1818?

Ans. I had a conversation with Mr. Bache in the latter end of the month of March, 1818 : I mentioned to Mr. Bache that (this conversation was before the notices came down) Mr. Jennings had called on me a few days before and stated to me, that he, Mr. Bache, had made a proposition to him, Mr. Jennings, which I thought of a very extraordinary kind ; that Mr. Jennings had stated that Mr. Bache had mentioned to him, that he had received a letter from the secretary of the commonwealth, which authorised him to enquire of Mr. Jennings, whether if he were appointed an auctioneer, he would take Mr. Samuel Fox as a clerk at a salary of \$2000 a year ; and that Mr. Jennings had represented to me, that Mr. Bache had made an impression upon his, Mr. Jennings' mind, that if he would not consent to take Samuel Fox at the salary stated, that he might thereby jeopardize his commission. Mr. Bache expressed some regret that he had had any thing to do in making the proposition to Mr. Jennings, or to others, and that in consequence of those feelings he had written to the secretary to let him know what he had done, and to state that he did not intend to do any more on that subject : Mr. Bache further stated that his mind had been so occupied for some time past with the mail-robbers, that he had not had time to give a proper consideration to the secretary's letter, or he would never have acted on it. I stated to Mr. Bache my entire approbation of Mr. Jennings' conduct in refusing to be saddled with Mr. Fox at a salary of \$2000

a year ; Mr. Bache entirely concurred with me in opinion, and spoke in high terms of the integrity of Mr. Jennings' conduct and character. I further stated to Mr. Bache, that in consequence of the conversation I had with Mr. Jennings, I had written to the secretary of the commonwealth on the subject, expressing my opinion of the transaction. So soon as the notices came down to the gentlemen who were to be appointed auctioneers, I wrote to the Governor giving him very fully my opinion upon the case of Mr. Fox ; to that letter I received an answer from the Governor in which he protested.

The letter which I wrote to the Governor I produced last year before the committee of inquiry in the case of the secretary of the commonwealth, and also the Governor's answer ; they are both correctly printed on the journal of the House of Representatives for the session 1818—19.

RANDALL. Have you got the Governor's letter ?

Ans. I have, sir. [Reads a copy of a letter from John Binns to the Governor, dated Philadelphia, March 27, 1818. See APPENDIX, No. 25.]

As I have been called upon for this letter I would state, the same day or the day after the letter was written, of which this is a copy, Mr. Lisle called in and mentioned the subject which then so much occupied the public attention in the city of Philadelphia ; I mean his agreement to take Mr. Fox at a salary of \$2000 a year, I told him I had just written a letter to the Governor on that subject, and that if he would sit down I would read him a copy of it. I read him the copy and the only observation which I recollect Mr. Lisle to have made up on the subject was, "I am much obliged to you." I understood this observation to apply to that passage in the letter in which I have mentioned Mr. Lisle. I now hold in my hand, sir, the answer which the Governor returned to the letter which I have just had the honor to read to this committee. [Reads a letter from the Governor, dated Harrisburgh, March 30, 1818. See APPENDIX, No. 26.]

Adjourned until 3 o'clock to-morrow, P. M.

THURSDAY, January 27th, 1820.

HENRY FRICK, Sworn.

RANDALL. Do you know any matter or thing connected with any charge of official misconduct against the Governor of this commonwealth ?

Ans. I know with regard to the certificate forwarded on to the Governor some time in the month of March, at the request of George A. Frick. I called on the Rev. Mr. Bryson, and procured a certificate of the baptism of a son, which certificate was forwarded in a letter directed to Thomas Murray, with a request that he would lay the certificate before the Governor, being a certificate which I had understood from my brother, that the Governor had required of him ; that is all I know with regard to the certificate of my own knowledge ; I do not know any thing further with regard to the official misconduct of William Findlay, except so much as that while he was in Baltimore, some time in the year 1819, he commissioned Andrew Albright prothonotary of Northumberland county. With regard to the commissioning of the prothonotary, it is merely my opinion, that the Governor had commissioned him while he was in Maryland.

COXE. Was the certificate that was inclosed to Mr Murray the one that was given in evidence yesterday ?

Ans. I believe it to be the same.

DOUGLAS. Do you know any thing of your own knowledge of the Governor issuing this commission you speak of to the prothonotary ?

Ans. Not direct from the Governor.

DOUGLAS. Do I understand you to say you had this statement respecting the issuing the commission to the prothonotary from hearsay merely ?

Ans. Yes. For at that time the public papers announced that the Governor was in Baltimore.

DOUGLAS. To what religious sect of christians does the Rev. Mr. Bryson belong ?

Ans. To the Presbyterians, I believe, sir.

DOUGLAS. Did ever you apply, sir, either by yourself or friends, or wish an application to be made to the present Governor for any office for you ?

Ans. Yes ; and afterwards withdrew my application. At the time I forwarded this certificate, I wrote to Mr. Murray requesting him to withdraw the application ; it was for the office of notary public. Mr. Murray told me that I would have been appointed had I not withdrawn.

DOUGLAS. Was Mr. Murray the only person that you requested by letter or otherwise, to apply to the Governor for this office for you ?

Ans. No, sir. I wrote a letter to the then secretary of the commonwealth, having received a number of letters from him in the fall of 1817.

DOUGLAS. Did you write to, or request any person else to apply for this office for you ?

Ans. Yes ; Charles Gale wrote one letter.

DOUGLAS. Did you not apply, sir, through Mr. Hutchinson, the then member from Columbia county.

Ans. No, sir ; I believe not.

DALLAS. Do you know the date of the commission that issued to the prothonotary of Northumberland county ?

Ans. No, sir.

DALLAS. Were you in Harrisburgh at the time it issued ?

Ans. No.

DALLAS. Do you know whether it was made out before the Governor went to Maryland or not ?

Ans. I believe the old prothonotary was not then dead.

DALLAS. Is death the only cause of removal from office ?

Ans. Death was the only cause of that removal.

DALLAS. How did you know that the old prothonotary died when the Governor was absent from Harrisburgh ?

Ans. About the time he died it was announced in the Baltimore papers, the arrival there of his Excellency William Findlay.

DALLAS. Are you, sir, willing to state as facts, upon your oath, what you find uttered in a newspaper ?

Ans. I should be very sorry to state as fact what is uttered in the papers ; but I believe this to be a fact.

DALLAS. Did the Baltimore papers state, sir, when Mr. Findlay had left Harrisburg ?

Ans. No, sir ; not that I recollect.

DALLAS. Did it state how long he had been in Baltimore or proposed to continue there ?

Ans. No, sir ; not that I recollect.

DOUGLAS. Do I understand you then to say, sir, that what you have stated with respect to the commission to the prothonotary of Northumberland county, is only from newspaper publications and hearsay ?

Ans. Yes, sir.

DOUGLAS. Are you the brother-in-law of John Binns ?

Ans. Yes, sir.

RANDALL. Are you now, or have you been ?

Ans. I was once, about five years ago.

DOUGLAS. Did you see a publication in the Democratic Press of this summer, announcing the arrival of Thomas Jefferson, Esq. late president of the United States, at the Bedford Springs ?

Ans. I did, and afterwards saw it contradicted. I also might have told you that I seen it in the Franklin Gazette, with regard to the Governor's being in Baltimore.

WILKINS. Is your opinion of the improper conduct of the Governor, in this particular, founded on the character of Mr. Albright, or upon the opinion that when the Governor appeared to be out of the state, he had no right to perform executive business ?

Ans. My opinion was, while out of the state, he had no authority to sign a commission without he would take the secretary and his seal along, if he had the authority to sign out of the state.

JOHN BINNS, *called again.*

COXE. Do you know any thing more on the subject of the letter written to Mr. Bache by Mr. Sergeant, with regard to the taking of Mr. Fox at a salary of \$2000 a year?

Ans. I am not aware that I have any thing more to communicate on that subject that would be worth the attention of the committee.

COXE. I will ask you now, sir, if you know any thing with regard to the conduct of William Findlay, while Governor of Pennsylvania, in interfering with a committee of the House of Representatives, appointed to inquire into the conduct of the said William Findlay, while state treasurer?

Ans. This question places me personally in rather an embarrassing situation. There is at present a suit pending against me, brought by Thomas Elder, for a publication said to have been made in the Democratic Press early in the year 1818, touching the testimony said to have been given by Mr. Elder, before the committee appointed to inquire into the conduct of William Findlay as state treasurer.

[The witness was here told by the committee, that he would be protected by the committee from disclosing his private affairs, any part of his evidence, or any thing which might affect his defence in the suit to which he alluded.—He chose to proceed:]

I had contemplated that when that trial came on, among other evidence which I should offer in my favor, would be the report of the committee appointed to inquire into the conduct of William Findlay, as state treasurer, as it stands printed on the journal of the house of representatives, for the session 1817—18. I am now convinced that the testimony I am about to give to this committee, will deprive me of all the advantages which I had hoped to derive from giving in evidence in the trial of the case of Elder against Binns, the journal of the house of representatives, of 1817—18. It was some time in the month of February, 1818, when I was in Harrisburgh, that I had various conversations with Governor Findlay, respecting the committee which had been appointed by the house of representatives, to inquire into his conduct as state treasurer. The Governor on more occasions than one, expressed to me, his apprehensions that the report of that committee would not be so well drawn up as he could wish it. At length, Governor Findlay, after doing me the honor to express the confidence which he reposed in my friendly dispositions towards him, and in my ability—he asked me if I would draft the report. There was much conversation, and

at various times, between the Governor and me on this subject—the Governor communicated to me very freely, a good deal of information touching the matter which was before the committee.— One evening he asked me to come and breakfast with him the next morning, and that he would then have Mr. Crain, the state treasurer, who should bring with him certain documents which he wished me to look over. I accordingly went the next morning and breakfasted with the Governor—whether Mr. Crain breakfasted there or not, I do not distinctly recollect. Mr. Crain, however, was there, and did show me in the presence of the Governor, certain papers relative to his official conduct while state treasurer; what those papers were, I have no very distinct recollection, but I well remember, that among them, was the bank book of the state treasury with the Harrisburgh bank—whether that bank had then purchased out the Philadelphia branch bank, I do not recollect, I am perfectly clear with respect to the bank book, because at that time a suit had been instituted against me by Thomas Elder, touching a sum of money which was stated to have been in the bank on a given day, I think the 30th of August, 1817, which sum of money Mr. Elder had sworn was not in the bank until September. I do not know that any thing further which passed between me and the Governor, is of importance enough to be detailed to this committee, except that I said to the Governor, that if I were furnished with the testimony taken before the committee, that I would write the report when I went to Philadelphia, and transmit it to the secretary of the commonwealth. I inquired among the members of the committee, and I obtained from general Marks, certain notes of the testimony before the committee, which he had taken, and I got what information I could generally upon the subject, and returned to Philadelphia. Some short time after my return, I transmitted the report, so far as I had drafted it, to the secretary of the commonwealth; he added to it.

Some days after that, the chairman of the committee made report to the house of representatives—the report embraced, I believe all, certainly much the greater part, of what I had transmitted to the secretary of the commonwealth.

COXE. Mr. Binns, I wish you would recollect, if you can, whether the bank book of the state treasurer, which you speak of, was with the Harrisburgh bank or with the Philadelphia branch bank?

Ans. In order to assist my memory on this subject, I have referred to the report of the committee, and my impression very decidedly is, that it was the Harrisburgh bank book.

WILKINS. At the time of the interview between yourself and the Governor, of which you have spoken, had the committee agreed upon the outline or principles of their report?

Ans. It is impossible for me positively to answer that question, but I can state that I had conversation with several members of the committee, and I do not believe at the time referred to, that any outline of a report had been drafted, or any principles had been agreed upon by the committee. I am the more confident that what I now state is correct, from a recollection that, at the time referred to, there were many of the witnesses not yet examined before the committee.

WILKINS. Mr Binns, was the chairman or any of the members of the committee at that time, aware that you were undertaking to perform this task for them, or did they or any of them join in any manner, or acquiesce in the request ?

Ans. I had several conversations with the chairman of that committee, and with other members of the committee, as to the matter they were then inquiring into—but I will not undertake to say, that I understood from the chairman or any member of the committee, that they knew any thing of the application made to me by the Governor, on that subject.

WILKINS. Had the books and papers which you say were produced by Mr. Crain, at the house of the Governor, been before the committee of inquiry ?

Ans. I cannot tell. I wish again to be understood as speaking distinctly, to no other book than the bank book of the state treasurer, as having been shown me at that time. From that book I made some extracts.

WILKINS. When you left Harrisburgh, sir, and had collected as much of the testimony as you could, and had been furnished with some notes of testimony by Mr. Marks, had the chairman of the committee acquiesced in your drawing up their report ?

Ans. I have already stated that I had no knowledge that the chairman knew I was about to draft the report—nor do I know that he had such knowledge when I left Harrisburgh.

TODD. Did you draw that report as near as you could in conformity with the notes of the testimony you had received from the committee ?

Ans. I never received any notes of testimony from the committee—I received some notes of testimony from general Marks ; I copied those notes, and I returned them to him. From those notes, from the extract which I made from the bank book, and from such other information as I was able to obtain, I drafted the report.

RANDALL. I will thank you to take that report and look at it—beginning at page 666, with the words “Mr. Stewart,” and ending in page 675, with the words “consideration of the subject.” I wish you to state, sir, to this committee, what part of that report is substantially the same as you drafted it, and what new matter was subsequently introduced after you forwarded that draft to Harrisburgh?

Ans. When I received this report, a copy of it, on the journal of the House, I read it over, and with a pencil I marked those parts of it which I knew to have been written by me. The report begins in page 666, “that under this resolution;” from that to the end of page 668, “or just to the accused,” was written by me, and I believe underwent no alteration. Page 669 was principally written by me, but language has been incorporated into it which I did not write; I cannot tell the lines—If there be an hundred, ninety were written by me. Of pages 670 and 71, I certainly wrote but a small portion, I cannot tell how much. There is a paragraph that I am sure is mine in those two pages; the paragraph I allude to is in page 670; begins with the word “indeed,” and ends with the word “conclusions.” Pages 672, 673 and 674, down to the beginning of the last paragraph, the greater part was not written by me. From the paragraph, page 674, beginning “on the whole,” to the end of the report was written by me, with the exception of the four last lines—beginning “they therefore recommend.”

RANDALL. Were the notes lent you by a member of the committee, notes of the testimony said to have been delivered before that committee, or did they contain any opinions or reasoning upon the testimony?

Ans. They were brief notes of the testimony given before the committee, unaccompanied by any remarks.

RANDALL. Mr. Binns, you say that the Governor requested you to send this report to the secretary of the commonwealth—did any conversation or correspondence pass between you and the secretary of the commonwealth in consequence of that request?

Ans. I am not quite clear that the Governor requested me to send it to the secretary of the commonwealth, or whether I proposed to send it to the secretary of the commonwealth, but I left him with the understanding that I would send the report to the secretary of the commonwealth. I had a good deal of conversation, and some correspondence with the secretary, on that subject.

RANDALL. Please, sir, to state the conversation.

Ans. I should feel very much at a loss to state the conversations; they were many—we had a very full, free, and frequent interchange of opinion upon the subject—he gave me his opinions and I gave him mine.

RANDALL. Now, sir, as to the correspondence, if you have the correspondence I should like to see it.

Ans. I am not in the habit of keeping copies of letters which I write, unless they are mere letters of business—I have therefore no copy of any letter I ever sent to Mr. Sergeant on that or on any other subject.

RANDALL. Have you any letters written to you by Mr. Sergeant on that subject?

Ans. I have one, which I believe is wholly upon that subject—it is a mere note.

RANDALL. Please to produce it if you have it with you.

Ans. I presume I received this letter by a private hand, as there is no post-mark on it. [Reads the letter, dated Harrisburgh, March 3d, 1819.—See APPENDIX No. 27.]

There is no name to it—it is in the hand writing of Thomas Sergeant.

RANDALL. Was the then secretary of the commonwealth, in the habit of writing to you without signing his name?

Ans. I suppose that four fifths of all the letters I ever received from the then secretary of the commonwealth were subscribed in something the same way as this letter is, “yours, &c.”

RANDALL. Have you in your possession any other letters from the secretary of the commonwealth on this subject, if you have, please to produce them?

Ans. I have other letters, but they are, most of them, mixed up with other matter which can shed no light upon the subjects which this committee are investigating.

RANDALL. Mr. Binns, was any application made to you by any other person, at the request of either the Governor or his secretary, relative to this report?

Ans. I really cannot be positive on that subject.

RANDALL. Are there, Mr. Binns, facts referred to in the report presented to the House, of which there appeared nothing on the notes of Mr. Marks, up to the time he handed them to you?

Ans. There are many statements in the report, of which no notice was to be found, on the notes furnished me by general Marks, and I believe that those statements were founded on testimony subsequently adduced to the committee.

RANDALL. Did you understand from the Governor, or from the treasurer in his presence and hearing, that the bank book spoken of before, had been before the committee.

Ans. I do not recollect that I so understood from either of them. I will take this occasion to remark, that I doubt now, whether that bank book was the bank book of the state treasurer, with the Harrisburg bank, or with the Branch bank of Philadelphia, in Harrisburg. I am led to the expression of this doubt, from a fact full in my recollection; I had some conversation with Mr. Musgrave, which conversation induces me now to feel perfectly satisfied, that the bank book alluded to, must have been the bank book of the Branch bank of Philadelphia, inasmuch as some of the entries were made by Mr. Musgrave.

Adjourned until 3 o'clock, P. M. to-morrow.

FRIDAY, JAN. 28, 1820.

JOHN BINNS, in continuation.

DALLAS. You have stated, sir, that shortly after writing your letter to the Governor, of the 27th of March, 1818, Mr. Lisle was in your office, that you read a copy of that letter to him, and that he said "I am much obliged to you"—is this the whole truth as to that interview with Mr. Lisle?

Ans. If the clerk will turn to the evidence which I have given on this subject, I think it will be found, that when I stated that Mr. Lisle, after hearing my letter to the Governor read, said, "I am much obliged to you," meaning, as I understood, in reference to that passage in my letter, in which I had spoken of Mr. Lisle. I believe that immediately after Mr. Lisle made that declaration, he got up

and left my office; the next day, or the day after, Mr. Lisle called again, and brought with him some letters, I believe two, one from the auditor general, and one from David Acheson; he read me either the whole of those letters or extracts from them, for the purpose, as he stated, of satisfying me that he had never withdrawn his application from before the Governor. I told him that those papers and his declarations, satisfied me that he had not withdrawn his application. I did not state this second conversation with Mr. Lisle, before, because I understood the committee to have ruled, that what passed between me and Mr. Jennings, was not to be given in evidence, and I concluded, that this interview with Mr. Lisle, was not necessary information for the committee. Having been asked this question, I will take the opportunity to state, that after my examination last year, before the committee appointed to inquire into the conduct of the secretary of the commonwealth—

(Committee stopped the witness.)

DALLAS. Repeated his question.

Ans. Yes, it is the truth, and whole truth, and nothing but the truth. Mr. Lisle took occasion to tell me more than once, that what I had stated, relative to what passed between him and me, was as he expressed it, critically correct.

DALLAS. Did you write a letter to the Governor, in answer to his of the 30th of March, 1818, expressing your entire satisfaction at his conduct, in relation to the arrangement between Mr. Lisle and Mr. Edward Fox.

Ans. I did write a letter to the Governor, acknowledging the receipt of his letter of the 30th of March, and in that letter, I gave my opinions predicated upon the statement in the Governor's letter; my impression then was, that the Governor was not inculpated in that transaction; the letter was written while captain Hawkes waited in my room, he being about to start for Harrisburgh, and going to take the letter with him; the letter itself being principally intended as a letter of recommendation for captain Hawkes, to be appointed to the office of harbor master.

[DALLAS, reads the letter dated April 16, 1818, from John Binns to the Governor.]

(SEE APPENDIX, No. 28.)

DALLAS. You have stated, in answer to Mr. Coxe's question, relating to your drafting the report for the committee of inquiry into the conduct of the late treasurer, that the question placed you personally, in rather an embarrassing situation. Pray, sir, did you not instruct your colleague to ask you that question?

Ans. I did not. Some conversation passed between Mr. Coxe and me on the subject, in which Mr. Coxe stated that he would feel it to be his duty to ask me a question relative to the drafting of that report; but whether the question which he put to me was or was not the question originally suggested by him I cannot recollect. I will state at this time, that it is not improbable if I had known at the time I signed a petition for an inquiry into Governor Findlay's conduct, that this question, or any question of similar import, would be asked me in the course of that inquiry, that I should not have signed the petition.

DALLAS. Do I understand you to say, in that answer, that under the circumstances you have mentioned, the delicacy of your feelings would have prevented you from signing the petition for the inquiry?

Ans. I do not wish to be so understood. I wish to be understood to say, that upon a mere calculation as to the probable personal damage which might accrue to myself from the answering of this question, that I might probably not have signed the petition?

DALLAS. To whom did you first disclose the fact of your having written a part of that report, and to how many have you told it?

Ans. I rather think the first person in Philadelphia, to whom I mentioned the fact of my having promised to draft the report, was Mr. Bache. I should suppose, in answer to the latter part of the question, that before I gave testimony before this committee, I never had mentioned it.—I am within bounds when I say, to ten persons.

DALLAS. You state, that you contemplated adducing this report on the trial of Elder against Binns, as evidence in your favor; but that owing to your testimony on this occasion, you would be deprived of all the advantages of so doing. Pray, sir, do I understand you to say, that you intended producing as evidence before a court of justice, that which you knew at the time to be of your own making?

Ans. That question is so very lengthy, that it will be necessary for me to request to have the first part of the question read, for I apprehend that words are put into my mouth which I never used.—I intended, as I have stated, to adduce the report of the committee of inquiry, as it stands printed on the journal of the House of Representatives for the session 1817-18. It is in evidence that a considerable portion of that report was not written by me.

DALLAS. You have stated, in the early part of your evidence, that the bank book, shown to you at the Governor's, by Mr. Crain, was, as you will remember, the treasurer's bank book with the Harrisburgh bank.—In another part of your evidence you have stated,

that having referred to the report of the committee to assist your memory, your impression very decidedly was that it was the treasurer's book with the Harrisburgh bank ; but in answer to a question put by the chairman of this committee, you state that you feel perfectly satisfied, that it was the treasurer's bank book with the Philadelphia bank.—Now, sir, which of these three assurances are we to take as the truth ?

Ans. In the course of my evidence last evening, a fact presented itself to my mind, of so conclusive a character, as it respected the bank book, that it removed all doubt upon the subject :—the fact which brought this conviction home to my mind is this :—being exceedingly anxious to ascertain, by the best evidence I could, at what date a certain sum of money had been deposited to the credit of the state treasurer ; in order to do this, I made the necessary inquiries, and found that that sum of money was acknowledged in the bank book of the state treasurer to have been in bank on a given day, and was so acknowledged in the hand-writing of the cashier of the branch bank, Mr. Musgrave ; he told me so himself.—That fact recurring to my mind, satisfied me that the bank book shown me was the state treasurer's bank book with the branch bank.

DALLAS. You state, that at the close of your interview with the Governor, in February, 1818, you said to him, that if you were furnished with the testimony, taken before the committee, you would write the report when you went to Philadelphia. Was this before or after a conversation upon that subject with the secretary of the commonwealth ?

Ans. I have stated before, that I had various conversations, and at different times, with the Governor, and also with the secretary of the commonwealth ; I therefore do not exactly understand the conversations intended to be designated by the question which is asked. There is a mistake in understanding me, if I am understood to say, that at the interview at the Governor's, after breakfast, when I examined the bank book, was the same interview in which I first promised to draft the report.

DALLAS. [Repeated the question.]

Ans. I had conversations with the secretary both before and after—both before and after I promised the Governor to write the report.

DALLAS. Did the Governor tell you to speak to any member or members of the committee of inquiry, in relation to this report ?

Ans. I do not believe that he did.

DALLAS. Did the Governor communicate to you, by letter or otherwise, any directions as to the mode of drafting this report ?

Ans. He made no communication to me in writing on the subject ; he made frequent oral communications, but nothing as to the mode.

DALLAS. Were you, or were you not satisfied that the statements made by you, in that part of the report which you wrote, were correct, and that the argumentative deductions were just ?

Ans. I was satisfied that the statements were correct according to the evidence before me, and I believe the reasoning to be such as was warranted by the statements.

DALLAS. Did you know at the time you undertook to draft this report, that you were made by the Governor an agent in effecting a corrupt object ?

Ans. My conviction at that time was the same that it is now. I believed that Governor Findlay made the application to me, because he was satisfied that I had friendly dispositions towards him, and because he was pleased to think highly of my capacity to draft it, and I did not know that I was made the agent in effecting a corrupt transaction.

DALLAS. Had you discovered, or did you know of, in the laws of this state, at the time you offered to draft that report, any provision or principle which made it official misconduct in the Governor to allow you to be so employed ?

Ans. I did not offer to draft the report, I was asked to draft the report, I never gave it a moment's consideration.

DALLAS. How long, sir, before your interview with the Governor, of which you have detailed some of the particulars, had you been at Harrisburgh ?

Ans. I had been in Harrisburgh, I dare say two weeks, probably, somewhere about that time.

DALLAS. Had the committee of inquiry into the official conduct of the treasurer been sitting at intervals during all that period ?

Ans. I never was at any meeting of the committee.

[**DALLAS** read, from the journal of the House of Representatives, the report of 1817-18, page 17. The following, viz :—]

“On motion of Mr. Downey and Mr. Cochran, the resolution read yesterday, viz :—

Resolved, That a committee be appointed to investigate the official conduct of William Findlay, as treasurer of the commonwealth of Pennsylvania, and that said committee be invested with authority to send for persons, books, papers, &c.

“Was read a second time, considered and adopted, and

Ordered, That Messrs. Downey, Stewart, M’Kean, Sharp, Eichelberger, Witherow, Marks, Dimmick and Purdon, be a committee for the purpose therein expressed.”

[DALLAS then directed the attention of the witness to the two last paragraphs but one on page 669 of the same journal.—The first beginning, “It is true,” and the other, “The committee,” and asked him to state whether those two paragraphs were written by him.]

Ans. I object to answering the question, because I am clearly of opinion, that if I were to answer it in the affirmative, I would subject myself to a suit for a libel; and because if I were to answer it in the affirmative, the paragraphs in question might be given in evidence as aggravation, and to increase damages in a case now pending between Thomas Elder and John Binns.

[In this answer the witness persisted, and the question was withdrawn.]

Adjourned until 9 o’clock to-morrow, A. M.

SATURDAY, January 29, 1820.

JOHN BINNS, *in continuation.*

DALLAS. How long did you continue in Harrisburgh after the interview with the Governor, at which you said you would write the report?

Ans. Perhaps two or three days.

DALLAS. How long were you in Philadelphia after you returned from Harrisburgh, before you received a letter from the secretary of the commonwealth, upon the subject of that report?

Ans. But a few days—my own impression is, that I had not begun to write the report until after I received the letter from the secretary of the commonwealth, which I have laid before this committee.

DALLAS. How much time elapsed after your hearing from the secretary of the commonwealth, before you transmitted what you had written of the report?

Ans. Immediately on the receipt of the secretary's letter—the same day I think, I wrote that portion of the report which I transmitted to him—I believe by that very next mail.

DALLAS. Did you not after having left Harrisburgh, and before you wrote to the secretary of the commonwealth, transmitting your portion of the report, receive any letters or papers of any kind apprising you of the course and progress of the committee of inquiry?

Ans. I did receive a letter apprising me of some evidence that had been adduced to the committee subsequent to my departure from Harrisburgh. It was in the form of a letter or rather a part of a letter, addressed by the secretary of the commonwealth to Mr. Bache, and by Mr. Bache handed to me—I have got that in my pocket—it is in the hand writing of Thomas Sergeant, without signature. I have already very distinctly stated to the committee, that in various conversations with the Governor, I received much information on the subject; that I also took pains to collect whatever information I could in Harrisburgh, from all the sources to which I had access. The letter I hold in my hand I did not receive until after I had forwarded that portion of the report which I wrote to the secretary, as must be evident to the committee, from the secretary in the letter acknowledging the receipt of what I had sent.

DALLAS. You state, that before the interview with Governor Findlay, at which you said you would write the report, Thomas Elder had brought a suit against you for publishing something in your paper. I wish to know whether, before this interview, you did not seek to be employed as writer of this report, in order to insert in it, facts which might correspond with your newspaper publication, and enable you subsequently, on the report's being adduced in evidence in the case of Elder vs. Binns, to prove the truth of what was alleged to be a libel?

Ans. I never did either directly or indirectly seek to be so employed—and it was not until after frequent conversations with the Governor, in which he took occasion to express doubts as to the manner in which the report would be drafted, if left to the committee; and to express a high opinion of my talents, and to hint his

wishes before he absolutely made the request, that I consented to draft any portion of the report.

DALLAS. You have stated that you had contemplated adducing this report as evidence on the trial of *Elder vs. Binns*. Will you do me the favor to state whether these are not the two paragraphs of the report upon which you contemplated particularly relying. [Two last paragraphs but one, page 669, journal of the house of representatives, 1817—18. The same referred to before in the question witness objected to answer last night.—See APPENDIX No. 29.]

Ans. I contemplated adducing the report as it stands printed on the journal of the house of representatives; leaving it to the legal ability and to the ingenuity of the gentlemen who were to conduct the defence, to rely upon whatever portions of the report they might deem best calculated to sustain the cause of their client. My original intention was, to submit that report to the court, in order that there might be gleaned from the whole of the report, and from every part of it, such statements and arguments as my counsel should think best calculated to sustain the cause of their client.

DALLAS. Was the presence of those two paragraphs in this report, your reason for contemplating the production of the report on the trial of *Elder vs. Binns*?

Ans. It was among my reasons.

DALLAS. Was, or was it not the chief and particular reason?

Ans. It was certainly one that had very great weight, and was therefore one of the principal reasons.

DALLAS. Did you contemplate producing that report on the trial of *Elder vs. Binns*, chiefly to have those two paragraphs in evidence?

Ans. I contemplated producing that report as evidence, in order that my counsel might exercise their legal talents and ingenuity in gleaning from it, and every part of it, such matter as they might think best calculated to sustain the cause of their client.

DALLAS. Did you at the time you contemplated adducing this report in evidence, deem the facts stated in those two paragraphs, essential to your defence in the case of *Elder vs. Binns*?

Ans. I considered them of great importance.

DALLAS. At the time that you contemplated producing this report in evidence, and when you state you thought the facts contained in those two paragraphs, important to your defence, did you believe the facts there stated to be true?

[Over-ruled.]

DALLAS. Was not your sole object in procuring the notes of General Marks, and in examining the bank book, shown to you by Mr. Crain, declared to be to enable you to make subsequent publications in relation to Mr. Elder, or to prepare yourself for the trial of the case of Elder vs. Binns?

Ans. I have no objection to answering the question other than what I have stated; as to its inquiries relative to my collecting materials for publications to be made in relation to a suit in which I was a party. In the conversations I may have had with members of the committee, I think it probable that I may have declared to them that my object in then collecting materials on this subject was, in reference to the trial of the case of Elder vs. Binns—I say I think it probable that I may have made such declarations to members of the committee, because if I had asked for their notes, or for information from them for the purpose of drafting a report for the committee, of which they were members, their pride or their sense of duty, might have induced them to withhold the information which I wanted.

DALLAS. Do I then understand you to say, that you think it probable that you may have made to the members of that committee, in relation to your object in procuring their notes, or in collecting materials—declarations which you knew at the time were not true?

Ans. I do not wish to be understood to make any such declarations; because the declarations I may have made to them were true, although not the whole truth, inasmuch as the information thus collected did furnish me with information which might be useful in the trial of the case of Elder vs. Binns.

DALLAS. Do I then understand you to say, that in making to these members of the committee the declarations which you state you probably may have made, you contemplated attaining your object by deceiving them?

Ans. I will not adopt the word deceiving.—I contemplated accomplishing my object in obtaining the information I wanted by only stating what was necessary to induce the persons who had the information, to communicate it to me.

DALLAS. Then do I understand you to say, that you stated to members of the committee, or to persons, in order to get these notes or materials, a different object from the one which was your real and principal object ?

Ans. I wish so to be understood.

DALLAS. Have you ever been concerned in drafting reports, or any parts of reports, for the committees appointed by the legislature, besides the instance which you have mentioned ?

Ans. None in relation to the subject which is now before this committee.

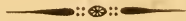
DALLAS. Do I then understand you to say that you have been concerned in drafting reports for legislative committees, although they did not relate to the subject now under consideration ?

Ans. I have not said so.

DALLAS. Have you ever been concerned in drafting reports or any parts of reports, for the committees appointed by the legislature, besides the instance you have mentioned ?

(Overruled.)

Adjourned, until 4 o'clock, P. M.



SAME DAY, 4 o'clock, P. M.

DOUGLAS. Did you or did you not draft a report or a substitute for a report, or did you know at the time that a person or persons, not members of the legislature, did draft a report or a substitute for a report, for a legislative committee during the session of 1818—19 ?

Ans. I did not draft a report nor a substitute for a report for any committee of the House of Representatives, in the session of 1818-19 ; nor I never have at any time nor upon any occasion, for any committee of the House of Representatives, been called upon to draft a report or any part of a report, by any executive officer, to

investigate whose conduct such committee had been appointed, except in the case I have stated to this committee.

DOUGLAS. Did you, sir, during the session of the legislature of 1818—19, draft a report or a substitute for a report, or assist in drafting such report or substitute for a report, at the instance of any member of a committee of inquiry appointed by the House of Representatives, or at the instance of any person conducting an inquiry or engaged or assisting in conducting any inquiry before such committee?

Ans. I did not.

DOUGLAS. Did you, sir, during the session of 1818—19 draft or assist in drafting any paper to be offered as a report or a substitute for a report by any committee appointed by the House of Representatives to the House of Representatives?

Ans. I did.

DOUGLAS. You have stated in your testimony that you had conversations with the late secretary of the commonwealth, relative to the drafting a report for a committee of inquiry into the official conduct of the late treasurer of the state, both before and after you had any conversation with the Governor on that subject; please state to this committee the substance of your first conversation with the late secretary of the commonwealth, as far as you can now recollect it upon that subject.

Ans. I really can enter into no particulars on the subject. I have before stated, and I now repeat that my conversations with the secretary of the commonwealth at that time were very frequent; there was a very full and free interchange of opinion between us upon that subject, as well as upon a variety of other subjects of a political nature at that time.

DOUGLAS. Did you, sir, not offer to the late secretary of the commonwealth in your first or second interview with him, to draft or assist in drafting, a report for the committee of inquiry, then sitting?

Ans. I never did to him nor to any other person offer my services upon that occasion: on the contrary, I declined to notice several hints and intimations of a wish that I should write that report, and it was not until I was directly asked by the Governor to write it, that I ever promised to write it.

DOUGLAS. Did you, sir, not ask the late secretary of the commonwealth, why something was not done or a doing, relative to the writing of a report for the committee appointed by the House of

Representatives to inquire into the official conduct of the late state treasurer, or propose some question to that effect ?

Ans. I never did ; on the contrary, frequent complaints were made to me by the late secretary of the commonwealth, and by the Governor, of the manner in which that committee were proceeding in the discharge of the duty to which they had been appointed. I remember well that among those complaints it was stated by both the gentlemen I have named, that they were apprehensive that very few notes were taking of the testimony delivered before that committee. That I never made any such inquiry as I am now asked I am quite clear, because I knew that when I left Harrisburgh the committee had not done examining witnesses on the subject.

DOUGLAS. You have given, as a reason that you did not ask the late secretary of the commonwealth, why something was not done or a doing, relative to the writing of the report already mentioned, that you could not have done it because you left Harrisburgh while that committee were sitting, I now ask you if you did not commence writing that report before the testimony was gone through relative to the subject of inquiry before that committee ?

Ans. I did.

DOUGLAS. You have already said that you wrote or assisted in writing a paper to be offered as a report or substitute for a report, by a committee of inquiry of the session of 1818—19, to the House of Representatives ; did you commence writing or assist in writing that paper before the proceedings of the committee had entirely closed ?

Ans. I think not. I think the committee discharged me on a Saturday evening and I left Harrisburgh on Monday morning following.

DOUGLAS. Was that the only paper you either wrote or assisted in writing, intended to be offered as a report or a substitute for a report, by a committee appointed by the House of Representatives of this commonwealth at any time.

(*Over-ruled.*)

DOUGLAS You have stated, sir, that you had conversations with several of the members of the committee appointed by the House of Representatives, to inquire into the official conduct of the late state treasurer relative to notes of testimony taken by or before that committee ; please state the names of the members of that committee, with whom you had that conversation, or any other connected with their then inquiry.

Ans. I am not aware that I have made any such statement.

DOUGLAS. You say you made inquiries of certain members of the committee of inquiry, and obtained from general Marks, certain notes of testimony, I wish you to state the names of all the members of that committee of whom you made the inquiries.

Ans. While I was at Harrisburgh at that time, a suit was commenced against me by Thomas Elder, for a certain publication said to have been made in the Democratic Press, touching the testimony of the said Thomas Elder; this circumstance brought me and the members of that committee into immediate contact, and conversations relative to the testimony of Thomas Elder, and the circumstances connected with that testimony. The members of the committee with whom I distinctly recollect to have had conversation on the subject are, the chairmain Mr. Stewart, general Marks and general M'Kean.

DOUGLAS. Had you not also conversations with John Davis, then a representative from Cumberland county on that subject. ?

Ans. I have not the slightest recollection of having had any conversation with Mr. Davis on the subject; I do not think I should know Mr. Davis if I were to see him.

DOUGLAS. Please to state the conversation you had with general Marks, when, as you say, he furnished you with his notes of testimony.

Ans. The conversations I had with general Marks, were of a similar character to those I had with Mr. Stewart and Mr. M'Kean; they were principally made up of questions on my part and answers on theirs

DOUGLAS. [Repeats the question.]

Ans. I cannot state the substance even of any particular conversations I had with any of those gentlemen.

DOUGLAS. I wish you to relate the substance of the conversation you had with general Marks, at the time you say he furnished you with his notes of testimony?

Ans. I have already stated to the committee, that I cannot recollect the substance of any particular conversation I had with any of the gentlemen whose names I have mentioned.

DOUGLAS. Who was present when general Marks furnished you with his notes of testimony?

Ans. Nobody was present, so far as I recollect—I will go a little further—I thought the subject of my inquiries from the members of that committee, was of too delicate a character to be mentioned in the presence of a third person; and I do not believe that I ever had a conversation with any of them in presence of a third person, on this subject.

DOUGLAS. When and where did you obtain from general Marks, his notes of the testimony, as near as you can recollect?

Ans. Some time in February, and in the chamber of the house of representatives.

DOUGLAS. What time of the day or night as near as you can recollect, was it that he gave you these notes?

Ans. It was in the evening after supper, between 7 and 9 o'clock, I believe.

DOUGLAS. When and by whom were those notes of testimony returned to general Marks, to the best of your knowledge and belief?

Ans. I made a copy of them with all convenient speed—say in the course of the forenoon of the next day, and returned them to general Marks, the first opportunity, after I had copied them.

DOUGLAS. I wish you now to state, sir, whether it was the original, or the copy of your letter of the 27th of March, 1818, to the Governor, which you read to Mr. Lisle in your office?

Ans. I believe it to have been the original; and when I say the original, I think it will require a little explanation. I wrote that letter to the Governor on small slips of paper, and as I finished one slip I sent it into the front office, to be copied, while I was writing the next—I think it was those slips that I read to Mr. Lisle.

DOUGLAS. Did you take any but one copy from those slips when you sent a copy of them to the Governor?

Ans. There was one copy taken and forwarded to the Governor, and one copy taken for myself, that is all I know of.

DOUGLAS. At what time was the copy taken from those slips for yourself?

Ans. It was before the inquiry into the secretary of the commonwealth's conduct, but at what point of time from the writing to the time of the inquiry I cannot tell.

DOUGLAS. I wish you, sir, to state, how long before or after the time when you read those original slips to Mr. Lisle, it was when you took the copy for your own use?

Ans. I cannot give any further answer than I have given.

DOUGLAS. Did you read that copy which you took for your own use, to any person, before the close of that inquiry into the conduct of the late secretary?

Ans. Yes, I did.

DOUGLAS. State to how many and to whom, to the best of your recollection.

Ans. My recollection must be very indistinct upon a subject which I regard of so little importance—I should suppose that from the time I wrote the letter, until it was read in evidence last year, I may have read it to 20 persons—some of the persons to whom I read it, I can well remember—they were among my personal and political friends: Mr. Benjamin Reynolds, alderman Christian, Andrew Geyer, Joel K. Mann, of Montgomery county, at present a member of this House, Maurice Wurtz, James Harper, junior, Joseph Worrell. I cannot say I remember any more by name.

DOUGLAS. Do you remember any more persons by name, to whom you read or showed this copy?

Ans. I cannot say I do.

DOUGLAS. I wish you, sir, to state, whether you read the original slips of your letter, of the 27th March, 1818, to Mr. Lisle, in your office, before or after you sent a copy of them to the Governor?

Ans. My recollection is, that when Mr. Lisle was in my office, that my brother was then copying the last of the slips, and that I asked Mr. Lisle to set down—went into the front office and got the slips, and read them to him; it may however, have been after I had sent the letter to the Governor.

Adjourned until 9 o'clock on Monday morning next.

MONDAY Morning, January 31, 1820.

JOHN BINNS, *in continuation.*

DOUGLAS. You have stated that, during the session of 1818—19, you drafted or assisted in drafting a paper, to be offered as a report, or a substitute for a report, by a committee appointed by the house of representatives to the house of representatives. I wish you to state whether that paper was to be offered as a report or the substitute of a report?

Ans. That which I wrote on that subject, was to my knowledge, not by me either intended to be a report, or a substitute for a report—it consisted of some observations on the testimony which had been adduced, and was neither in the form of a report, or a substitute for a report.

DOUGLAS. I wish the witness to state, whether what he wrote, was intended to be a part of a report, or the substitute of a report, to be offered by a member of the committee of inquiry to the house of representatives of 1818—19.

Ans. I do not know any thing on the subject.—What I wrote was in the nature of observations on the testimony, and might well have been incorporated, either in a report or in a substitute for a report. I do not recollect that I had any distinct intention myself, nor was any suggested to me by another, as to whether what I wrote should or should not form a part of a report or of a substitute of a report.

DOUGLAS. I wish the witness to state whether what he wrote, or any part of what he wrote, was incorporated either in a report or in the substitute of a report, or the paper offered as a substitute of a report, by any member of the committee of inquiry, to the House of Representatives, of the last session of the legislature?

Ans. The observations which I wrote at that time I never read over after I wrote them. It is many months since I read over either the report or the paper offered as a substitute for a report; but my recollection at this time is, that a small portion of what I wrote was incorporated into the report, and that a larger portion of it was incorporated into the paper offered as a substitute.

DOUGLAS. Am I then to understand you to have written that paper for the purpose of being applied to both sides of that inquiry?

Ans. What I wrote I considered to be correct and fair, according to the testimony given before the committee, and I was more anxious that what I wrote should be correct and true, than that it should apply to either side of the question.

DOUGLAS. Have you not highly recommended the substance of the substitute, or the paper offered as a substitute, since the session of 1818-19?

Ans. I have highly recommended parts of the substitute, and parts of the report;—there were parts of the report with which I more entirely accorded in opinion than parts of the substitute.

DOUGLAS. I wish the witness to explain his answer, which was in these words, "*I did*," to this question.—"Did you, during the session of 1818-19, draft, or assist in drafting, any paper to be offered as a report, or a substitute for a report, by any committee appointed by the House of Representatives, to the House of Representatives?"

Ans. I do not think that the answer requires any explanation. I am perfectly willing it should go to the world as it is.

DOUGLAS. Have you ever heard any of the petitioners, who have applied to the legislature for this present inquiry, threaten the Governor, or express a determination to have revenge?

Ans. I never have, at any time, nor upon any occasion, heard any such declaration from the mouth of any of the petitioners. The feelings which I have heard them express in relation to the Governor, were rather those of pity than revenge.

DOUGLAS. Did you ever tell John Humes that if he took or continued Joshua Lippencot as his partner he would lose his commission?

Ans. I have had no conversation with John Humes on the subject of Mr. Lippencot, for many years, before the election of Governor Findlay.

DALLAS. Are you the sole editor of the Democratic Press?

Ans. I am sole editor of the Democratic Press—proprietor and publisher.

DALLAS. Are you the writer or the publisher of the letter contained in the Democratic Press, reflecting upon this committee of inquiry, the publication of which you have disavowed?

Ans. I make no remarks on the propriety or impropriety of asking such a question, after the disavowal which has been in writing given in by me to this committee; but I think it proper upon this question to declare to this committee that I object to this question, as I shall to every future question which may relate to publications in a paper, of which I have just avowed myself the sole editor, proprietor, and publisher.

DALLAS. Who wrote the petition to the House of Representatives for an inquiry into the conduct of the Governor?

Ans. There has been a committee appointed by the House of Representatives, at its present session, to whom has been referred a petition praying that the costs of inquiries into the conduct of public officers may be paid by the originators of those petitions, and as I apprehend that my answer in the affirmative might subject me to pecuniary damage, as well as to a criminal prosecution, I decline answering the question.

COMMITTEE direct a more direct answer.

Ans. I cannot give a more direct answer.—I feel that I am constitutionally protected against it.

[*Any further answer waived by Governor's counsel.*]

DALLAS. Do I understand you to say, that you decline stating to this committee who wrote the petition praying for an inquiry into the conduct of the Governor, because your answer on oath to that question might make you liable to a criminal prosecution for a libel?

Ans. If I were to answer in the affirmative.

DALLAS. Who wrote the letter addressed to the chairman of this committee, signed Peter Christian and John Thompson, and dated Philadelphia, December 31, 1819?

(*Over-ruled.*)

DALLAS. Which of the petitioners penned the charges which have been exhibited to this committee against the Governor of this commonwealth?

(*Over-ruled.*)

DALLAS. Were you present at a meeting of the petitioners, which took place during the late holidays in Philadelphia?

Ans. I was.

DALLAS. Do me the favor to state as well as you can recollect, who were there, who took the lead, who spoke or addressed the meeting, who offered resolutions, and who gave advice for future conduct ?

(*Over-ruled.*)

DALLAS. Were you under the last administration aid to the Governor, colonel, bank director, executive printer, sword bearer and medal agent ?

Ans. I had the honor to be aid to the Governor, and in consequence of being aid to the Governor had the rank of colonel. I had the honor to be repeatedly elected by the House of Representatives a director of the Bank of Pennsylvania, and I am the only director to whom the House of Representatives has done the distinguished honor of specially approving of his conduct as a bank director.— I do not know what is meant by executive printer ; I did print blank commissions, and I believe that during the administration of the late Governor Snyder, I executed the principal part of the printing for one of the public offices attached to the Government. I had also the honor to be deputed by Governor Snyder as his aid to present a sword to commodore Decatur, and a sword to captain Bidde. I was also appointed by Governor Snyder to procure medals to be presented to commodore Perry and others. I will embrace this opportunity to state that all the offices and appointments herein before enumerated, including the printing, did not net to me two hundred dollars a year.

DALLAS. Are you now aid, colonel, bank director, executive printer, sword bearer and medal agent.

Ans. I am not either the one or the other. I feel called upon to give an explanation only with respect to one of the particulars alluded to : After Governor Findlay had been in Philadelphia, and previous to his inauguration, the late secretary of the commonwealth, Mr. Bache, some other gentlemen and myself, went out to dinner to Chester ; in the course of that day Mr. Sergeant told me that the Governor had informed him that he was desirous that the printing of the secretary of the commonwealth's office should be given to Mr. Peacock, but that he would by no means wish to have that done if it were not done with the entire approbation of Mr. Binns. I assured him that it had my entire approbation.

DALLAS. Would or would not, as far as you know from experience, the office of printer for the secretary of the commonwealth during the first year after the election of a new Governor, be alone worth more than two hundred dollars ?

Ans. I really cannot say, but if I am to give an opinion, I should think it probable that for the first year it would.

DALLAS. Did you or did you not, expect to have the catalogue and job printing of the partnership of Messrs. Jennings & Lisle, provided Mr. Lisle had not been appointed auctioneer and Mr. Jennings had ?

Ans. I did certainly expect to have had the catalogue and job printing of Mr. Jennings and Mr. Lisle, if Mr. Jennings had been appointed and Mr. Lisle had not, but in consequence of the appointment of both those gentlemen, I got twice as much printing as I expected, for I printed for both of them.

DALLAS. Do you print for them now ?

Ans. I did print for both of them at the time of the inquiry into the conduct of the secretary of the commonwealth ; since that period Mr. Jennings has been removed from office, and Mr. Lisle has taken his printing elsewhere.

DALLAS. Were you not in the habit during the last administration of procuring persons who held offices at the will of the Governor in the city of Philadelphia to indorse your notes ? If aye, state generally to what amount and who was the agent employed in the business ?

(*Over-ruled.*)

COXE. Who prints for the auctioneers now ?

Ans. I do not know. I believe it is divided as it always has been, so far as my knowledge goes.

RANDALL. At the time you were asked by the Governor to draft a report, in the case of the state treasurer, had you ceased to be aid-de-camp, bank-director and state printer ?

Ans. I had.

RANDALL. Had the last conversation between you and Mr. Bache relative to your appointment as an alderman, taken place before that request by the Governor ?

Ans. It certainly had. I did not return I think to Philadelphia until after Mr. Bache had published the first number of his paper, and in his testimony he stated it was before that time that the Governor had declined to make the appointment ; the first conversation I ever had on the subject was on a suggestion of Mr. Bache.

RANDAL. Did I in the conversation which passed between you and me, relative to the commission of alderman, say to you if you were appointed, you would be hissed off the bench ?

Ans. Never ; there never was the most remote allusion to such an expression.

RANDAL. Were you and the late secretary of the commonwealth on the strictest terms of personal and political friendship, up to the time of the transaction between Mr. Fox, Mr. Lisle and the late secretary of the commonwealth, being made known to you ?

Ans. We were ; up to that time and after ;—and ever after the time I had written to the secretary and to the Governor my opinion with respect to the corruption of saddling Mr. Samuel Fox with a salary of \$2000 a year, upon some one of the auctioneers of the city of Philadelphia. So late as last year, I continued upon terms of personal and political intimacy with the present Governor of this commonwealth. I think it was in the month of January or February last, that I was obliged to visit Harrisburgh in consequence of an expectation that the case of Elder vs. Binns, would then be tried ; at that time I frequently visited the Governor, and had frequent conversations with him on the subject of the suit then pending, as well as on other subjects. On my return to Philadelphia, I, for the first time, saw the Governor's letter on the subject of guaranteeing the acceptance of certain drafts to be drawn by the firm of Finley & Vanlear of Baltimore ; from that time to the present I have neither had correspondence nor conversation with Governor Findlay.

RANDAL. Up to the time Mr. Sergeant repaired to Harrisburgh in the month of December 1817, how many times a day was he in the habit of visiting at your office and your family ?

Ans. From the time that Mr. Findlay was taken up as a candidate for the office of Governor, in March 1817, to the time when Thomas Sergeant left Philadelphia to repair to Harrisburgh, to act as secretary of the commonwealth, I presume I am within bounds when I state, that every day Mr. Sergeant was at least three times a day at my house. To give the committee a still more perfect idea of the then intercourse between Mr. Sergeant and myself, I will state, that frequently when I returned home in the evening, I found Mr. Sergeant sitting in my private office—candles lighted—sometimes reading, sometimes writing, and sometimes smoking a segar or taking a glass of wine ; such was the intimate footing upon which he was received into the house.

RANDALL. Upon his return to Philadelphia in the month of April 1818, after you had written to the Governor upon the subject of \$2000 given to Samuel Fox, did he ever visit your office or family ?

Ans. He never did.

Adjourned until 3 o'clock P. M.

SAME DAY. 3 o'clock, P. M.

JOHN BINNS, *in continuation.*

DOUGLAS. Mr. Binns, I wish you to state, whether you did not charge Edward Lyon, with the crime of subornation of perjury, and whether he was not tried and acquitted of that charge?

(*Over-ruled.*)

DOUGLAS. You have stated that you may have mentioned to some of the members of the committee, appointed to inquire into the official conduct of the late state treasurer, a wish to see the notes, to enable you to make your defence in the case of Elder against you. I wish you to state how you could suppose that any member of that committee would have received from you, a report, without your first intimating a desire to relieve them from drafting a report?

Ans. I never contemplated, nor never suggested, to any member of that committee, that I was about to relieve them from the labor of drafting a report.

DOUGLAS. I wish you, sir, now to state, whether you ever wrote a letter to the late Governor of this commonwealth, requesting him to speak to the present Governor, or to interfere on your behalf, for the office of alderman, in and for the city of Philadelphia, for you?

Ans. I was in the habit of writing frequently and without reserve, to the late Governor, not only on public affairs, but on all matters which I conceived could affect his interest or my own—therefore, I do not think it at all unlikely that I may have mentioned the subject to the late Governor in a letter. I am rather inclined to think that I did, from a letter which I received from the late Governor Snyder.

DOUGLAS. I wish you, sir, to say, now on your oath, whether you did not request Mr. Bache, to write to the late secretary of the commonwealth, on the subject of procuring for you, the office of alderman—and whether you did not intimate to him, the grounds upon which you wished that application to be made?

Ans. I have stated before, that the suggestion of my making that application, came from Mr. Bache to me; we had frequent conversations on the subject, and I would not undertake to say at this distance of time, that what Mr. Bache has said on that subject, before this committee, is not true.

DOUGLAS. I wish you to say, sir, whether you requested alderman Geyer, or intimated to him, a wish to make application to Mr. Bache, or some other person, to solicit that appointment for you, as has been already stated by Mr. Bache?

Ans. I had a conversation with alderman Geyer, in which I detailed to him what had passed between Mr. Bache and me on this subject; and I intimated a wish to him, that he should have a conversation on the subject with Mr. Bache.

DOUGLAS. Had you not a conversation with alderman Geyer on that subject, before you had any conversation on it with Mr. Bache?

Ans. I had not.

DOUGLAS. Were you appointed an alderman of the city of Philadelphia?

Ans. I was not.

DOUGLAS. I wish you to state whether, ever Mr. Bache or any other person informed you, that your wishes or application to obtain that office, had been ever communicated or made to the present Governor?

Ans. I have no recollection of any such communication having ever been made to me, nor of having ever heard it, until I heard it before this committee of inquiry.

DOUGLAS. Now, sir, do you say upon oath, that Mr. Bache never communicated to you, any answer from the late secretary of the commonwealth, to a letter written by him on that subject, before the appointment of this committee?

Ans. I do distinctly say on my oath, that I have not the faintest recollection of any such communication ever having been made to me by Mr. Bache.

DOUGLAS. I wish you to state what intimation you received on the subject of your application or appointment, in a letter which you received from the late Governor of this commonwealth?

Ans. In a letter from the late Governor Snyder, and to the best of my recollection, the only letter which I received from him on that subject—he mentioned that he had begun a conversation with Governor Findlay on the subject; that while he was in conversation with him, some of the servants came into the room and began to take down the pictures—that while he was yet in conversation on the subject, a servant began to lift up the carpet of the room in which they set, and his feelings were so wounded by such disrespectful treatment, that he left the house without having had any answer from the Governor—that, to the best of my recollection, was all the intimation I ever had from the late Governor on the subject.

DOUGLAS. Have you that letter about you?

Ans. No, sir, I have it at home.

DOUGLAS. I should like to see it.

Ans. I dare say you would—if I had known it before, I should have brought it with me.

DOUGLAS. Well, sir, then I understand you to have been an applicant for office, to the present Governor, and disappointed in obtaining it?

Ans. Then, sir, you misunderstand me very grossly, for I never was an applicant, nor never was disappointed.

DOUGLAS. Well then, sir, I wish you to explain the glaring absurdities in your past answers on that subject.

Ans. I am not aware of the slightest absurdity, or the least discrepancy in my testimony, on this, or any other subject.

DOUGLAS. I wish you to state, sir, as near as you can recollect, what time in the months of January or February, 1819, you left this for the city of Philadelphia?

Ans. In truth I cannot say—it can be seen by reference to the stage books. I know I made no unnecessary delay after I found my cause was not to come on.

CALEB EARLE, Sworn.

BINNS. Captain Earle, are you harbor-master of the port of Philadelphia?

Ans. Yes, sir.

BINNS. At what time were you appointed, captain Earle?

Ans. My commission bears date on the 7th of November, 1818.

BINNS. At what time, sir, did you first apply for that office—who recommended you, and what conversation took place on that occasion between you and Governor Findlay?

Ans. The first was by a petition signed by a number of citizens, at the time, or about the time I think it was, when the Governor was elected—at the time that the Governor was in Philadelphia, several gentlemen waited on him to speak to him on my behalf—the petition was sent up a few days after the Governor had gone home, I think it was some time in January, 1818, that I was advised by some of my friends to come up to Harrisburgh. I waited on the Governor with several letters—we had some conversation together—he told me that I was very highly recommended. I think he observed at the same time, that captain Hawkes was also very strongly recommended. He thought I need require no further recommendation, as he could not make up his mind then, and it would take some time to think of it—that he could say nothing further on the subject. I returned to Philadelphia, I think the next day or the day after—I think altogether I was two or three days here. I think it was about the first of April or the latter part of March, that I was applied to to take charge of a vessel, and as my commission had not come down, I concluded it best to accept the offer conditionally, that if it was to come down previously to the vessel's sailing, I was then at liberty to resign the vessel—I sailed before it came down; on my arrival at Liverpool, I learnt from a letter, of my appointment—I mentioned that the commission came down the next day or two, I do not recollect which, after I had sailed. On my return from Liverpool, I think it was the 2d or 3d of September, I came up to Harrisburgh, to know from the Governor, whether there was any provision made in case of my return (captain Hawkes being appointed in the mean time). The Governor told me that he had not taken it into consideration at the time, but that he would think of it. There was very little conversation at the time, more than that he would take it into consideration, and I returned to the city. Some

time in September, captain Gustavus Conyngham, called on me, told me that he wished me to come up to his house in the afternoon—he went on to state his reason.

I do not know that there is any thing relative to the Governor in the whole business. There is nothing but what convicts myself, and I am willing to give an explanation of it. It is my own private concern, and does not relate to the Governor. It has been stated to be of great importance. I believe, if the facts be known, it will not be of as much consequence as is expected. Captain Conyngham told me that he wished me to employ Mr. Alexander Wilson as deputy; I observed to him, that if the fees of office would admit of a deputy, Alexander Wilson was not a suitable person, that the assistant was required to be a seafaring character. He told me I might employ him as a clerk; my answer was, that I did not know that it required any clerkship, that I could wish to oblige him, captain Conyngham, in any way that was consistent, as he had showed great friendship for my application, from the commencement up to the present. He, captain Conyngham, appeared to be a little crusty, which was his general nature, and in the act of leaving me, said, "You will be at my house this afternoon, and Mr. Alexander Wilson will be there." I waited on him in the afternoon, Mr. Wilson was there; I told Mr. Wilson the conversation that had passed between captain Conyngham and myself.—He said he only wished employment until spring, that he had been a good deal under the doctor's hands, and in a poor state of health at present; that he wished some kind of employment; that he thought that he could assist me as a clerk, that he could keep a book of arrivals at his house, he took two good papers, and he made no doubt he would be strong enough to get out to collect the fees.—When he mentioned that he only wanted to be employed till spring, I turned round to captain Conyngham, and told him that it was a matter of indifference, that I would readily agree, if it would be any satisfaction to him, captain Conyngham, as I considered it of no consequence, as Mr. Wilson did not wish it longer than spring.—I mentioned March, to bring it to a point.—Mr. Wilson said he was perfectly satisfied.

The conversation then broke off, after agreeing to employ him till March, the conversation ended; there was no mention of terms whatever. This conversation was about the middle of September. I think it was about the latter part of October, another petition was sent up to the Governor, together with a letter, from Mr. Huston. I think the petition went by way of Lancaster.

About the 7th of November, the commission came down, I expect not more than a day or two after the petition got up.

The commission came down, I then called on captain Conyngham, Mr. Wilson being present, told him that I had received the commission, and I was willing to fulfil my promise, leaving it with captain

Conyngham and Mr. Wilson to fix the terms ; they both agreeing, at the time, that it was not through any influence of Mr. Wilson. I left it to them to fix the terms of employment for Mr. Wilson ; captain Conyngham mentioned, in such cases, he supposed about one-half ; Mr. Wilson observed, that he did not want half, that he would be willing for six out of fourteen.—So it ended. They had, previous to this, left it to my own offer, but I told them that they must fix it, as it was a matter of no consequence. I agreed at six out of fourteen ; if they had asked me for the whole, I would have conferred but a small favor on them, as to the usual time of the stoppage of our navigation would not be more than six weeks, or eight weeks.—In some seasons, the whole amount of fees would not be more than about fourteen or fifteen dollars.

Adjourned until 9 o'clock to-morrow, A. M.



TUESDAY, February 1, 1820.

CALEB EARLE, in continuation.

BINNS. Please to state how much money you paid over to Alexander Wilson, in consequence of this agreement ?

Ans. I paid to his widow, after his death, sixty-two dollars, the whole amount up to the time of his death, being better than three months. I paid her fifty dollars, the next day after his death, I think it was, as she represented her distresses, that she had not money to pay funeral expenses ; twelve dollars I gave to captain Conyngham to call on her and pay it, as he was witness to the agreement, showing him at the same time my account up to the time, as I did not know whether she was acquainted with the circumstance, and requested him to explain the nature of the business to her, and to pay that as the balance due her, as I did not consider that my obligation extended beyond his death.

BINNS. Did you pay the fifty dollars to Mrs. Wilson, or the twelve dollars to captain Conyngham, first ?

Ans. I paid the fifty dollars first, and I am not certain whether I paid it all at once, or the next morning, or whether I paid it all the

afternoon after his death, when she sent for it, but it was all paid within twenty-four hours.

BINNS. Did Mrs. Wilson send for you, or come to your house, the first time you paid her any money arising out of your fees as harbour master ?

Ans. Captain Conyngham called at my house the next morning after the decease of Alexander Wilson, and told me the circumstance of his death, and that Mrs. Wilson would be glad to see me ; he observed, he believed she was very poor, and if I had any money he wished me to let her have some ; and then a part, or the whole, of that payment took place.

BINNS. You say that you requested captain Conyngham to pay to Mrs. Wilson twelve dollars, because he had been a witness to the agreement with Alexander Wilson, and that at the same time you showed captain Conyngham your account up to the death of Alexander Wilson. I now wish you to state, whether by the agreement you mean the agreement entered into by you with Mr. Wilson about the division of the fees ; and whether, by your account, you mean the account of the fees you had received as harbour master, up to the time when Alexander Wilson died ?

Ans. Yes ; I expect so.—That must be the meaning of it.

BINNS. When were you first introduced to the acquaintance of Alexander Wilson ?

Ans. That is hard for me to tell. I believe it was about the time I had my first petition afloat. I think that was the first time. I think I never knew him until about that time.

BINNS. How often had you been in the company of Alexander Wilson, from the time he was first introduced to you, until you made the agreement in the presence of captain Conyngham, to give him six fourteenths of the fees you should receive as harbour master ?

Ans. Not more than four or five times, at most, that I recollect of.

BINNS. Did Alexander Wilson ever act as your deputy or clerk ?

Ans. He undertook to keep a book ; but I do not know whether he was out more than three times after, until his death. He was so unwell, that he had not continued the book over one month, I believe altogether. I called on him, I think it was three or four weeks after his commencement, to compare my book with his ;—

a memorandum that I kept, and I found he was behind-hand with his book, in consequence of his sickness at that time.

BINNS. Since the death of Alexander Wilson have you employed any clerk or assistant to assist in the discharge of your official duties ?

Ans. No.

BINNS. You mentioned that you had two conversations with the Governor on the subject of your application ; did the Governor, in the course of those conversations say any thing about Alexander Wilson, or make any inquiries as to the probable amount of the fees of the office for which you were applying ? If he did, state what he said.

Ans. In answer to the first, I do not know that I ever heard him mention Alexander Wilson's name at any time ; I think in all probability he did ask me what the amount of the harbor-master's fees might be.

BINNS. Please to state the reason why you paid nearly one half of the fees you received to a person with whom you had so slight an acquaintance as Alexander Wilson ?

Ans. I have stated before that it was not on account of Alexander Wilson that I did it, but it was on account of the friendship of captain Conyngham ; the request being made by him.

BINNS. Would you have paid over six fourteenths of your fees to any one if you believed you could have got the commission without so doing ?

Ans. Yes, if I choosed to. I did not expect that was to get the commission, at the time nor no time since : I never did expect it.

BINNS. Do you now pay over to any person or persons, any portion of the fees you receive, or have you paid over any portion of them to any person since you made your last payment to captain Conyngham, to the use of the widow of Alexander Wilson ?

Ans. No ; nor I have never seen her since. I was not in the habit of visiting her.

BINNS. Did Alexander Wilson at the time that he stated he would be satisfied with six fourteenths of the fees until spring, give you any reason why, after that time he hoped to be able to do without them ?

Ans. He gave me no reason but I thought he had reference to his health, for I considered him dying fast.

BINNS. After the death of Alexander Wilson, did you not write a congratulatory letter to Mrs. Earle, inasmuch as you would in future have all the fees and not eight fourteenths ?

Ans. I do not know that I did. I recollect to have mentioned his death in the letter, but do not recollect any congratulation, or that I mentioned any thing of the fees.

BINNS. The first time that captain Conyngham proposed to you to take Alexander Wilson as a clerk or a deputy, you declined to take him, and made your friend a little crusty ; what was it that subsequently induced you to agree to give to Alexander Wilson so large a portion of your fees ?

Ans. In the first place, I thought my friend captain Conyngham was going too far in his request, but when having it from Mr. Wilson that it was only for four months, I was willing to gratify captain Conyngham, for the reasons I have stated, for I considered him one of my particular friends ; he had shewed himself so in every case.

DALLAS. Do I understand you, captain Earle, to say, that you agreed to the arrangement proposed to you by captain Conyngham, on behalf of Alexander Wilson, solely on account of your friendship for captain Conyngham, and not under any impression or idea that such an arrangement would facilitate you in getting your commission ?

Ans. That was my impression. It was my motive to oblige captain Conyngham. I do not think that I should have done it from a request of Mr. Wilson.

DALLAS. Did you ever regard Mr. Wilson as having in any degree assisted you in getting your commission ?

Ans. He had been friendly disposed towards me, and I expect that he had wrote to the Governor on my behalf, and I think previous to this arrangement accompanied with a certificate from Mr. D. Caldwell ; I think that was what captain Conyngham stated to me.

DALLAS. Please to state the nature of the certificate.

Ans. It was to shew that captain Hawkes was employed by the United States' court, I think, as one of the three surveyors of the port of Philadelphia.

DALLAS. Would you or would you not, on account of your friendship for captain Conyngham, have made at his request and solicitation, an arrangement similar to that which you made with Alexander Wilson, with almost any other person with whom you were in some degree acquainted ?

Ans. I have no doubt I should.

DALLAS. Were you, captain Earle, at the time of making this arrangement, in the smallest degree actuated by the hope of getting, or the fear of losing the commission of harbor-master ?

Ans. I do not know that I scarce gave it a thought—the getting or losing at the time ; my mind was more employed at the time in granting the request to my friend, or whether I should reject it, until relieved from it when they mentioned the four months. There was very little said at the time about getting the commission, and I do not recollect that it was mentioned until this arrangement took place, that Mr. Wilson had wrote up to the Governor, for I recollect after that took place, that Mr. Wilson observed that he should not be surprised was the commission to come down the next day, from that he must have wrote the letter previous.

DALLAS. Did you know or did any one inform you at that time, that Alexander Wilson had any influence whatever with the Governor or of this commonwealth ?

Ans. I never was informed so by any one ; it was supposed by captain Conyngham, that this certificate from the clerk of the district court of the United States, would remove any difficulties that had been conveyed to the Governor by captain Hawkes.

DALLAS. I think you stated, captain Earle, that this arrangement, made in consequence of your friendship for captain Conyngham, was sometime in the month of September ; I think you also stated that you understood that about that time Mr Alexander Wilson had written on your behalf a letter to the Governor, and I think you also stated, that some time in the latter part, a fresh petition, partly under the auspices of Mr. Huston, was got up on your behalf, and transmitted to the Governor by the way of Lancaster ; I now wish you to say whether this be the hand writing of Alexander Wilson ? [Shewing witness a letter.]

Ans. I do not know the hand-writing of Alexander Wilson.

JOHN LISLE called, (Shewing him the samé letter.)

DALLAS. Is that the hand-writing of Alexander Wilson ?

Ans. To the best of my knowledge and belief that is the hand-writing of Alexander Wilson.

BINNS. Have you ever seen Alexander Wilson write ?

Ans. I cannot say I ever saw him in the act of writing.

DALLAS. Have you seen letters and papers which he acknowledged to be his writing ?

Ans. I have seen letters that I understood were his, but I never heard him acknowledge them to be his.

JOHN STEEL, *called.*

DALLAS. Have you seen Alexander Wilson write ?

Ans. Yes, very often.

DALLAS. Is that his hand-writing ?—[Shewing him the same letter.]

Ans. Yes ; I have seen him draw a note in my store, and write letters and memorandums ; I saw him write at alderman Carswell's ; he was his clerk.

[DALLAS reads a letter dated, Philadelphia, 14th Sept. 1818, from Alexander Wilson to the Governor. See APPENDIX, No. 29. Original recommendation from the wardens of the port of Philadelphia in favor of captain Earle. See APPENDIX, No. 30.]

[DALLAS reads recommendations of captain Earle for his last appointment. See APPENDIX, Nos. 31, 32, 33 and 34.]

CALEB EARLE, *again called.*

BINNS. In the letter of Alexander Wilson, recommending you, he states, that you stand in "need of something"—in the letter of James Huston, "that despair of success and absolute indigence, induced you to accept a trifling command."—In the letter of George B. Porter, recommending you, he states, that he recommends as a reason for your appointment, because you are "so poor"—and in the letter of James Humes, he recommends you as "both poor and old." I wish now, sir, to know whether those representations were true, and if they were then true, to know whether you have since that time had any accession to your income, save only the fees arising out of your present office ?

Ans. I suppose there was none that knew me but knew my circumstances, and they knew I was poor enough. I have received no accession of property since that time, except my present office.

RANDALL. Who handed you your commission ?

Ans. Matthew Randall, then recorder.

RANDALL. Did you know any thing of Redmond Conyngham writing a letter in your favor?

Ans. I heard that he had written one—I think he told me himself; as also his uncle captain Conyngham.

RANDALL. Did you hear of those reports against captain Hawkes, that are stated in Mr. Redmond Conyngham's letter?

Ans. I have heard different reports—I do not know that they accorded precisely with those in the letter; I paid little or no regard to them. The impression at that time on my mind was, that he was a New-England man, and I think I mentioned that, to both Redmond Conyngham and the Governor, about the time the first petition was sent off.

RANDALL. Did you mention it before or after that letter was written by Redmond Conyngham?

Ans. I imagine it was before—I think it was about the time the Governor was in the city, that I heard captain Conyngham and Redmond Conyngham, conversing upon the business. The conversation between them was about captain Hawkes' character. I think they asked me what I thought of it, and what I knew—and to the best of my recollection, I told them I always took him to be a New-England man, otherwise I had very little knowledge of him; I had seen him about 25 years since in Havre-de-Grace, in France—he commanded a ship from New-England, and had his wife with him; that was the only acquaintance I ever had with him; I have seen him frequently during the time he was deputy of captain Young, and afterwards while he was harbor-master.

RANDALL. At the time he was deputy, did he perform the duties of the office?

Ans. I do not know what duty he performed, he was supposed to be deputy to captain Young.

RANDALL. Was the agreement between you and Alexander Wilson kept secret?

Ans. Not that I know of—we took no pains to make it very public.

RANDALL. Have you not expressed your surprise since you came to this place, how it became known?

Ans. I think I have—I did not recollect ever having mentioned it myself, and I did not suppose that either captain Conyngham or Alexander Wilson, had mentioned it.

RANDALL. At what time, to your knowledge, did it become known, beyond the parties to the agreement?

Ans. The first that I heard of it came from Mr. Jacob Frick; he had mentioned it to young Mr. M'Cloud, that it came by way of Northumberland or Cumberland, or some of those counties, I suppose this must be about three or four months ago.

RANDALL. Had Redmond Conyngham, to your knowledge, any other interest in recommending you, but a desire to oblige you and your family?

Ans. I do not know that he had.

RANDALL. Is he a man of character?

Ans. I never knew to the contrary. I do not know that I ever heard any thing about his character—the first place and only place where I did see him, was at captain Conyngham's.

WILKINS. What was the character and estate of captain Conyngham?

Ans. He was thought to be as honest and upright a character as we have in Philadelphia, in that line—an old revolutionary character, and quite independent as to estate.

RANDALL. When was Alexander Wilson, last in Harrisburgh?

Ans. I do not know. I do not know that he has been up at all, yet he may have been up half a dozen times and I not know it. The last and only time that I know of, was at the time the Governor returned home from the city, and before his inauguration, and then Alexander Wilson accompanied him.

WILKINS. Did you say any thing to Redmond Conyngham about the revolutionary services of captain Hawkes, in the conversation that took place between captain Conyngham, Redmond Conyngham and yourself?

Ans. I do not recollect that I did—but I was clearly of opinion that Redmond Conyngham, got the information he put in the letter to the Governor, from captain Conyngham—I supposed so—it appeared to be his language.

DUGGLAS. It has been stated by Redmond Conyngham in his testimony, that he believed Alexander Wilson, went to Philadelphia, sometime in October, 1817, and resided there until his death—please state when Alexander Wilson died?

Ans. I am not sure—sometime in February, 1819—I think about 12th February, 1819.

DALLAS. Had you any reason for concealing the arrangement made between yourself, captain Conyngham and Mr. Alexander Wilson, other than what would induce you to conceal private and personal arrangements generally?

Ans. I do not know that I had.

BINNS. Have you not, captain Earle, been, within the last three months, very frequently interrogated as to the nature of your agreement with Alexander Wilson?

Ans. It was mentioned to me several times—two or three times I believe.

BINNS. When you say two or three times—do you mean by two or three different persons?

Ans. Yes.

DALLAS. Do you make it a practice to expose to every prying inquisitor, your personal and private affairs?

Ans. Not in general. I considered that I was under an obligation to do it here to the committee.

Adjourned, until 3 o'clock, P. M.

SAME DAY, 3 o'clock, P. M.

JAMES GRAHAM, *called again.*

BINNS. Have you, sir, had an opportunity of perusing, and did you peruse any correspondence between Governor Findlay and the late Alexander Wilson, in which the Governor acknowledged himself to be under pecuniary obligations to Alexander Wilson—if you have read such letters, please to state their purport to this committee?

Ans. On my being appointed agent for the executrix, I proceeded to examine the papers belonging to Mr. Wilson; on examining them, I found a good many that bore the name of William Findlay; some of those were before he was Governor, and some since; I believe I am confined to those since he was Governor. I saw some letters addressed to Alexander Wilson, which were signed William Findlay; one of them expressed a great deal of friendship for Mr. Wilson, and wished Mr. Wilson to inform him, if he, the Governor, could do any thing for him—and requested Mr. Wilson to write to him on the subject; that any thing he could do for him he was willing to do. I recollect seeing another letter, dated, I think in 1818, which appeared to convey 100 dollars in money, and regretted that he could not send any more at that time, but would as soon as convenient. It is a great while ago since I saw those papers—I do not recollect perfectly about them.

I saw another letter addressed to Mr. Wilson, requesting him to call upon John Steel, and request him to indorse a note, I believe of 500 dollars; and that if he did not do it, to call on some other person, I do not recollect any name. I shall be at a loss now to mention any further—I saw a great many negotiable notes, but whether they were before or since Mr. Findlay was Governor, I do not recollect.

BINNS. Was the name of William Findlay on those notes?

Ans. Yes, sir.

BINNS. Do you recollect whether his name was as drawer or indorser?

(*Over-ruled.*)

BINNS. Was any application for the papers of Alexander Wilson, made since his death, by Mr. M^cElwee, a clerk in the treasury department, at Harrisburgh, who represented himself at the time of making the application, as an agent of Governor Findlay—and did he at the time of making such application, present a letter from Governor Findlay ?

Ans. He did not present me any letter, or shew me any written authority that he was the agent of the Governor. Mr. M^cElwee, did call on me, and expressed a wish to exchange some papers—some that he had he was to give me and get some from me. My answer was, that I did not think proper to exchange the papers.

BINNS. Mr. Graham, from an examination of all the papers of the late Alexander Wilson, are you or are you not convinced that the present Governor is indebted to Alexander Wilson's estate, a very large sum of money ?

Ans. On examining those papers, it appeared to me that Governor Findlay did owe the estate of Alexander Wilson some money, I cannot say what amount—I cannot form any idea; but on inquiry of Mrs. Wilson, she appeared to think there was nothing due.

BINNS. Can you tell within a thousand dollars, the amount of the sum which the papers of Alexander Wilson showed William Findlay to be indebted to his estate ?

Ans. I saw no positive proof. I cannot say positively that there was any thing due the estate of Alexander Wilson from the Governor. I dont know that there is any thing now due by Mr. Findlay to the estate of Alexander Wilson. There are papers there which might induce me to think that the Governor does owe the estate some money.

BINNS. Did you ever write to the Governor on the subject of monies due by him to the estate of the late Alexander Wilson ? if aye, what was the substance of the Governor's answer ?

Ans. I wrote to the Governor and received an answer. In his answer, he said that he did not owe the estate one cent ; but on the contrary, the estate owed him a small sum, which he did not think worth while to claim. Further he said, that if it should appear at any time that he did owe the estate any money, he would cheerfully settle it.

RANDALL. Do you know of any matter or thing connected with any charge of official misconduct, against the Governor of this commonwealth, besides that to which you have been already interrogated ?

Ans. Nothing of my own knowledge.

[COXE, read from the Franklin Gazette of the 27th August 1819—an extract of a letter from the Governor to a gentleman in Philadelphia, dated August 16, 1819. See APPENDIX No. 36.]

THOMAS PASSMORE, Sworn.

RANDALL. Mr. Passmore, have you any knowledge of any official misconduct in the Governor of this commonwealth?

Ans. I have none, sir.

WILKINS. Do you know, sir, whether or not the arrangement between you and Mr. Conrad, was in any way known to the Governor, or was in any way the means of your getting the commission of auctioneer?

Ans. I have no such knowledge, sir.

WILKINS. Did you or any of your friends make that arrangement the foundation of your application to the Governor?

Ans. Never to my knowledge.

WILKINS. What was your inducement to that arrangement with Mr. Conrad?

Ans. It was the same which Mr. Conrad has stated himself.

[COXE, informed the committee, that the testimony on the part of the petitioners was gone through.]

Adjourned until 9 o'clock on Monday morning next.

WEDNESDAY, February 2, 1820.

THOMAS SERGEANT, Sworn.

DALLAS. Did the Governor of this commonwealth know of your writing the letter to Richard Bache, relative to the proposed arrangement for Samuel Fox, of 16th March, 1818 ?

Ans. The Governor knew nothing of it.—That is, I mean, at the time of writing it.

DALLAS. Did the Governor know of your intention to write that, or any such letter ?

Ans. No.

DALLAS. Did the Governor see that letter before it was transmitted to Richard Bache ?

Ans. No.

DALLAS. Did you inform the Governor, afterwards, that you had written such a letter ?—If aye, state how far you communicated its contents to him ?

Ans. As I stated to the committee of inquiry, last winter, I stated to the Governor, that I had written a letter to Mr. Bache, requesting him to endeavour to procure some of my then supposed political friends to effect the same arrangement that had existed between Mr. Lisle and Mr. Edward Fox. I think I mentioned to the Governor, the names of Mr. Jennings and Mr. Steel, and I am certain that I mentioned no other, and I told him that I had no doubt either of those gentlemen would do such a favor for me at any time that I asked them; that is all that I communicated to the Governor.

DALLAS. Did the Governor withhold the commissions of auctioneers, in consequence of your having given to him this information, as to the contents of that letter ?

Ans. No ; it was understood at the time, and prior to the writing of that letter, that the commissions should not be issued until the first of April, and they were issued on the first of April, accordingly.

DALLAS. Will you be good enough, sir, to explain whether ever the notices to the auctioneers were delayed on account of the information you thus gave to the Governor as to the contents of that letter ?

Ans. I do not believe that they were ; because at the time of writing that letter, a correspondence was going on between the Governor and some of the applicants, or their friends, relative to the formation of partnerships in the auction business.—I allude particularly to a correspondence with Mr. Carswell on that subject, and referred to in his examination last winter.

DALLAS. Did the Governor of this commonwealth, during the session of the legislature of 1817-18, ever hold any conversation with you in relation to drafting a report for the committee of inquiry, then appointed and sitting, of the House of Representatives, to inquire into the conduct of the late state treasurer ?

Ans. Never.

DALLAS. Did you ever show to the Governor that part of the report which was written by John Binns, and transmitted to you ?

Ans. No.

DALLAS. At whose request, and to what extent, did you participate in the drafting of that report ?

Ans. I will state the circumstances.—The first that ever I heard any thing of this report, or had my attention attracted to it, was by John Binns. He called to see me, at my lodgings, and said to me that he was surprised to find that there was nobody engaged in preparing a report in the Governor's case ; I told him that I was not able to attend, for I conceived this intimation of his to be directed to me ; that I was very lame, and not able to get out to see any body, and in an ill state of health, for I had been sick not long before, and confined to my bed.—Well, said I, why dont you attend to it yourself, as you are now here on the spot.—He said, I do not know whether it is worth my while, until I see how the appointments are going. Some days after, he called again, or I saw him again ; I had another conversation with him, in which he appeared to be in a much better humour, and he told me then that he would attend to the writing of this report ;—he said he had been examining all the notes he could get hold of, that he had made an abstract of the evidence as far as it went, that he would take it down to Philadelphia, and would there draft the report. Some days after that, the chairman of that committee, Mr. Stewart, called upon me and requested me to assist him in sketching out the report. He brought with him, as I presumed, all the notes which had been taken, notes on every point, and mostly I think in the hand-writing of general Marks. I told him that I would rather not do it, that I was not well, and that I had other employment of my own, which required my attention, and that he was very capable of doing it himself.—He said that he was very much engaged, the session was drawing to a close, and that he had not time, and insisted on my assisting him. I told him that I would

then go to work at it, and assist him ; that Binns had promised to send up the report, but it had not arrived.—The time being pressing, however, I went to work at it in detached parts, examining the evidence and making a sketch, and I presume somewhere about that time wrote this letter, which Mr. Binns has thought fit to produce, urging him to send up the report which he had promised. Shortly after, and while I was employed in sketching the report, (having in the mean while many conversations with Mr. Stewart, and being directed by him in the general principles of it,) two packages arrived addressed to me from John Binns, in his hand-writing, containing the preamble to this report, and some few detached paragraphs besides. These I showed to Mr. Stewart, he read them, and approved of them, and the preamble with some additions, were inserted nearly verbatim ; the others, some inserted and some perhaps altered ;—except the preamble : the other parts of John Binns' were very trifling in amount. I copied the whole of John Binns', and sketched out the residue, and gave it to Mr. Stewart, and it afterwards underwent many alterations, as I observed by the report as it now stands—some additions, some alterations, and some parts stricken out.

DALLAS. Did John Binns, in the course of the conversation with you, give you the least intimation, at any time, that the Governor of this commonwealth had spoken to him about drafting this report ?

Ans. I have not the slightest recollection of any thing of the kind.

DALLAS. Do you know whether the Governor ever spoke to any member of the then committee of inquiry upon the subject of drafting that report ?

Ans. I have no knowledge of any thing of the kind.

DALLAS. Did the Governor of this commonwealth ever mention to you, in conversation or otherwise, that he had spoken to John Binns in relation to drafting that report ?

Ans. I have no recollection of any thing of the kind ; my impression always was, that John Binns had offered himself to draw it, as I have stated :—It is possible that I may have mentioned to the Governor, at some time, that John Binns had promised to draft this report, but I do not recollect even that.

BINNS. What was the arrangement between Mr. Lisle and Mr. Edward Fox, which you have stated you communicated to the Governor, before he had issued any notice to any person that he would appoint him an auctioneer ?

Ans. Mr. Edward Fox, told me in Philadelphia, that he wished me to state to the Governor, that he had made an arrangement with Mr. Lisle, that he would withdraw his son's application, and be satisfied, if Mr. Lisle was appointed. Having uniformly refused to support my relations for office, in repeated instances, I would not tell him whether I would or would not state this to the Governor—or perhaps I told him I would not, for I felt reluctant to do even that much. However, after my arrival at Harrisburgh, reflecting upon the subject, I thought it my duty, and I did communicate that intimation of Mr. Fox, to the Governor, some time after my arrival—that is, my arrival the second time. I communicated it to the Governor, in the way that I have mentioned, together with my idea that Mr. Samuel Fox, was to be Mr. Lisle's clerk.

BINNS. Did you state to the Governor the amount of salary which Mr. Samuel Fox was to receive from Mr. Lisle, if he was appointed an auctioneer?

Ans. I am not able to recollect whether I did or did not.

BINNS. You have stated that in a conversation with the Governor, you stated to him the substance of your letter of the 16th of March—and among other things that you told him that you had no doubt but what either Mr. Jennings or Mr. Steel, would at any time you asked him, do you the favor to take Mr. Samuel Fox, on the same terms as Mr. Lisle had agreed to do, if he were appointed. I wish now to know, why you insisted upon an answer from those gentlemen, before the commissions issued, as declared in your letter to Mr. Bache?

Ans. Because I was very desirous to harmonise the interest of my political friends and relations, and anxious that Messrs. Jennings and Steel should be appointed, and also Mr. Wurtz.

BINNS. Did you then suppose, that if such an arrangement as had been contemplated, was made by Mr. Steel or Mr. Jennings, after rather than before the commissions issued, that it would have affected the harmony and interest subsisting among your political friends and relations?

Ans. I do not recollect that I had any supposition on the subject.

BINNS. If you had no suppositions on the subject, how does it happen that you now, on your oath, give that as a reason for your conduct?

Ans. I state that I had no suppositions as to arrangements to be made after the commissions issued.

BINNS. How long after you received an answer from Mr. Bache was it before the notices were made out for the persons who were afterwards appointed auctioneers ?

Ans. I am not able to remember.—The notices were dated, I think, on the 24th of March.

BINNS. Do you recollect whether the notices were made out the same evening in which you received Mr. Bache's answer ?

Ans. I do not.

BINNS. Who took those notices to Philadelphia ?

Ans. I presume Mr. John Fox took them, for I gave them to him to take, sealed up in an envelope, with an indorsement,—“Mr. John Fox will please to take these to the city of Philadelphia and put them into the post-office.”—Each notice was sealed separately.

BINNS. Did you show to the Governor the answer you received from Mr. Bache, or did you send that answer to the Governor by Mr. Fox ?

Ans. As soon as I received the answer I gave it to Mr. John Fox, who was with me at the time, to take it to the Governor.

BINNS. Did you, a few days before the notices were filled up, receive a letter from John Binns, protesting against the saddling of any commission with a pensioner, and stating what had been mentioned to him by Mr. Jennings in relation to Mr. Samuel Fox ?

Ans. No. I received no letter containing such words. My recollection of the letter is, that it requested me not to desert Mr. Jennings, because of his refusal to assent to the request made by Mr. Bache, a thing I had no intention of, because I had been Mr. Jennings' most decided friend, and determined to remain so.—I therefore felt wounded at an insinuation of that kind, coming particularly from John Binns.—I threw the letter into the fire.

BINNS. Did you, on that occasion, express your surprize how John Binns dared to write to you in such a style ?

Ans. Something to that effect—alluding to the insinuations contained in that letter.

BINNS. Was the consequence of the receipt of that letter any diminution of confidence from you towards John Binns ?

Ans. I have given my opinion of that letter, and of the person who wrote it.—I am not able to say as to its particular effects.

BINNS. Is it in your knowledge that John Binns ever made any application to the Governor, in which he had a personal or pecuniary interest ?

Ans. I will state my knowledge.—I made an application to the Governor, in behalf of John Binns, in the winter of 1817-18, for the appointment of alderman of the city of Philadelphia, and I will state the circumstances. I received a letter from Mr. Bache, requesting me to obtain from the Governor, that appointment, in the place of Timothy Matlack, who, it was understood was to resign, on being continued in his appointment of prothonotary of the district court—in consequence of which letter, I after some days, for I felt very reluctant in the business, informed the Governor of my receiving such a letter, and that it was the wish of John Binns to be appointed alderman—and that I was informed in that letter, that he had promised John Binns that appointment before he was elected. The Governor answered, that the information was not true ; he had never promised any body an office before his election. I wrote this answer down to Mr. Bache. I received another letter from Mr. Bache on the subject, in consequence of which letter I again waited on the Governor, and stated to him that I was informed that John Binns did not wish the appointment placed upon that ground, but that he desired the appointment. The Governor said to me—Sir, such an appointment would ruin me.—I then said, I have no more to say on the subject.

BINNS. Had John Binns any conversation or correspondence with you, on the subject of an application to the Governor, to appoint him an alderman ?

Ans. None, whatever.

BINNS. Is it in your knowledge, that John Binns ever made any application to the Governor, in which he had a personal or pecuniary interest ?

Ans. I have answered that question already. I know no more on that subject than what I have stated.

BINNS. You have stated, that when Mr Stewart called on you to express a wish that you should write the report of the committee, of which he was chairman, that among other reasons he stated that the session was drawing to a close. At what time do you suppose that conversation took place ?

Ans. I presume it was very shortly before the letter to John Binns, dated the 3d of March ;—somewhere about that time.

[It appears, by the journal of the House of Representatives, that the legislature adjourned on the 24th of March, 1818.]

BINNS. In alluding to the production of that letter before this committee, you have spoken of it as a letter which Mr. Binns has thought fit to produce : allow me to ask, whether you did not, before the committee of inquiry appointed to inquire into the conduct of the secretary of the commonwealth, adduce one or more private letters written by John Binns to the Governor ?

Ans. I did produce before the committee of inquiry the letters of John Binns and others, written to the Governor of this commonwealth, relative to official appointments, because I considered them important documents in my defence.

BINNS. Did you, after you had received that portion of the report sent you by John Binns, express regret that it was too late to furnish him with the matter which had been given in evidence before the committee after he had left Harrisburgh, in order that he might complete the report ?

Ans. I do not recollect. It is very possible I might, for I would very willingly have got rid of the trouble of writing the report at the time.

BINNS. Please to state as near as you can recollect at what time the second conversation took place between the Governor and you, on the subject of appointing John Binns an alderman ?

Ans. I do not think I can state it with any accuracy. I should suppose it was in the last of January or sometime in February, for I was very reluctant in the business and therefore delayed it.

BINNS. Did you with the knowledge of the Governor, write to John Binns to obtain information from him relative to any appointment or appointments to be made in Philadelphia after the issuing of the notices to the auctioneers on the 23d of March ?

Ans. I cannot recollect.

BINNS. I want to ascertain if I can at what time you would wish this committee to believe the confidence between the Governor and John Binns was destroyed ?

Ans. I have no wish that this committee should believe any thing on the subject.

BINNS. Mr. Sergeant, do you know who wrote the report for the committee first appointed to inquire into the conduct of the secreta-

ry of the commonwealth, in the session of 1818—19? If aye, please to state it to this committee.

(*Overruled.*)

Adjourned until 3 o'clock, P. M.

SAME DAY, 3 o'clock, P. M.

THOMAS SERGEANT, in continuation.

BINNS. You have stated, sir, that at the time you wrote your letter of March 16th, 1818, a correspondence was going on between the Governor and the applicants, or their friends, relative to the formation of partnerships in the auction business; I wish you to state to this committee what was the nature and substance of that correspondence?

Ans. I have stated already my knowledge on that subject. I had the letters, or rather a letter, in my possession on that subject, from Mr. Carswell, which was proved by him and is referred to as I stated before, in the report of the committee of inquiry of the last session.

I am not able to state the nature and substance of the correspondence: as well as I recollect now, it was in relation to a proposed partnership between Mr. Robinson, Mr. Carswell's step-son, and Mr. Humes; further than that I do not know.

BINNS. Am I to understand, sir, that when you stated that a correspondence was going on between the Governor and the applicants or their friends, that that correspondence was confined to alderman Carswell?

Ans. I stated this morning that I alluded particularly to that.

BINNS. Was that the correspondence you alluded to when you deposed a correspondence was going on between the Governor and the applicants or their friends?

Ans. I have so stated repeatedly.

BINNS. Were you in the habit of consulting John Binns on the appointments to be made by the Governor in the city of Philadelphia ?

(*Over-ruled.*)

BINNS. You have stated that you do not recollect whether you had, with the knowledge of the Governor, written to John Binns, after March the 23d, 1818, for any information touching appointments to be made by the Governor in the city of Philadelphia ; take the trouble to state whether that is your hand-writing—[Shewing a letter to the witness.]

Ans. It is my hand-writing.

[**BINNS** reads a letter to John Binns, dated March 25, 1818.—
See APPENDIX, No. 37.]

BINNS. Did you incorporate into the report which you gave the chairman of the committee appointed to inquire into the conduct of the late state treasurer, William Findlay, most of the written matter which had been transmitted to you by John Binns ?

Ans. I think I did.

BINNS. Have you any doubt about it ?

Ans. I incorporated in the sketch I made, the preamble and parts of detached paragraphs. The word *most* is of indefinite signification ; and therefore, whether I had any doubt about it, I cannot answer.

BINNS. I use the word *most* because it is the word formerly used by the witness, and I presume it to mean much the greater part ; in that sense of the word, did the witness incorporate into the report most of the written matter transmitted to him by John Binns ?

Ans. I wish to see how I used that word : I would like you to turn to my answer.

BINNS. I hand the witness a letter.

[*The question recurs.*]

Ans. My answer is exactly what it was before. I deny that I ever used the word in the sense which he has given it ; and I call upon the petitioner to prove it. As explained I answer in the affirmative. Mr. Binns puts words into my mouth that I never used.

BINNS. You have stated, sir, that you received two packages

containing what John Binns had written as a report for the committee of inquiry into the conduct of the late state treasurer ; did you receive those two packages at one time, or at different times ?

Ans. To the best of my recollection at the same time.

BINNS. Do you know who drafted the letter of Governor Findlay, dated March 30, 1818 ? if aye, please to state it to this committee.

Ans. I do know, it was William Findlay.

BINNS. How do you know it was William Findlay ?

Ans. I saw it.

BINNS. Have you been in the habit of consulting with the counsel for the Governor in the course of the present inquiry ? and have you, in your own hand writing, furnished one of them with questions to be put to a witness under examination ?

Ans. I have not been in the habit of consulting with them. I have furnished some questions to be put to John Binns.

BINNS. You have stated, that in a conversation with John Binns, you asked him, why he did not proceed to draft a report for the committee appointed to inquire into the conduct of the present Governor while state treasurer ; please to state, whether you did not apply to other persons in the same way.

Ans. I have no recollection of any such thing.

BINNS. Did you not ask Dr. Samuel Jackson to write for you certain observations relative to the exchange of country paper, for the purpose of those observations being incorporated into a report, in defence of the conduct of the late state treasurer ?

Ans. I have no recollection that I did.

BINNS. Are you quite certain that you did not ?

Ans. I will not say that ; many things occurred two years ago, which it is impossible for me to recollect.

BINNS. When were you appointed secretary of the commonwealth ?

Ans. The 16th of December, 1817.

BINNS. How soon after you resigned that office were you appointed attorney general ?

Ans. On the same day, the 6th of July, 1819.

BINNS. A good deal, sir, has been said about office hunters and office holders, will you please to state how many offices you have held and how long you held each of them?

Ans. If the committee think it worth while, I shall do it with pleasure, for I consider it an honor.

(*Over-ruled.*)

BINNS. At what time did you receive a letter from the Governor of the commonwealth, dated August 16, 1819, and published in the Franklin Gazette, of the 27th of that month?

Ans. I do not recollect the time, but observing some slanderous insinuations against the Governor, in the Democratic Press, I wrote to the Governor requesting him to forward me a copy of the correspondence he had had with Mr. Jennings; after a few days I received from him a copy of those letters, and the letter which is in the Franklin Gazette, inclosed in a letter authorising me to make such use of them as might appear necessary for the information of the people; about the time I received them a piece appeared in the Press, the commencement of a series signed "Anti Corruptionist," in consequence of which the letters were immediately published.

BINNS. Did you read the proof-sheet of those letters?

Ans. I do not recollect.

(**BINNS**, shewing the witness the Franklin Gazette of the 27th August, 1819.)

Ans. I take it for granted these are copies.

BINNS. Did you write the heading to this correspondence?

Ans. I did not.

(**BINNS**, reads from the Franklin Gazette of the 27th August, 1819, a copy of a letter from the Governor to John Jennings, dated January 23th, 1818.)

(SEE APPENDIX, No. 38.)

RANDALL. Am I to understand you, sir, that the first time you contemplated assisting in writing the report in the case of the late state treasurer, was when Mr. Binns spoke to you on the subject?

Ans. Yes, it was the first time.

RANDALL. Do you mean to say, that at the time you did assist in drafting that report, you did it unwillingly and with reluctance?

Ans. Clearly so; I was at that time in feeble health, I was much engaged in preparing my law reports, and would have been very glad to have been relieved from the trouble.

RANDALL. Did you offer, and did you become the author of the report of the committee appointed to inquire into your conduct, reported to the House of Representatives of this commonwealth, on the 12th of December, 1819?

Ans. I did not offer nor become the author.

RANDALL. Were you consulted relative to that report, or did you assist in drawing up that report before it was presented to the committee?

(Over-ruled.)

WILKINS. Mr. John Fox in his testimony, stated that on one occasion at Mr. Harris's, in this place, some warmth was created between you and him on account of your adherence to Mr. Jennings, and that upon that occasion you said to him something like this, "Go to the Governor and he will tell you all about it;" if you recollect the expression please to state what you meant by it?

Ans. It is impossible to recollect it, so many events happening at that time in rapid succession.

RANDALL. When was the conversation had between you and Mr. Binns in Harrisburgh, relative to the drawing up of the report?

Ans. I cannot recollect the time, it was when Mr. Binns was up here and staid some days—I do not remember that he was here again that winter—I do not think he was.

WILLIAM MARKS, Sworn.

DOUGLAS. General Marks, were you a member of the committee appointed by the House of Representatives of this commonwealth in the session of 1817-18, to inquire into the official conduct of the late state treasurer?

Ans. Yes, sir, I was appointed on that committee.

DOUGLAS. Did you or did you not, furnish John Binns with any part of your notes of the testimony in that case, either in the chamber of the House of Representatives or elsewhere, to your knowledge?

Ans. Before I answer that question, I will make some preliminary observations on the whole affair, as far as it is in my recollection at present:

I have already stated that I was a member of that committee. I kept notes of all the testimony that was taken before the committee that we thought relevant to the inquiry. I believe there were, perhaps, three other members of the committee that took notes of the testimony, but I believe none of them so fully as myself. I could not from recollection at this time, tell how many witnesses were subpoenaed on the part of the prosecution, but I find by examining the report in the journal, they were thirty-three in number, and I had no reason then, nor have I had any since to think any thing else, but that that report was substantially correct according to the testimony that was laid before us. I remember that some time during the investigation, John Binns came to Harrisburgh—I had no conversation with him concerning the investigation whatever; I do not believe that John Binns ever asked me for the notes I had taken of the testimony. I however, very well remember that one night, a member of that committee came into the chamber of the House of Representatives, he asked me, I believe, the question was “Will you let John Binns see the notes of the testimony you have taken;” he intimated to me at the same time, that John Binns wanted to see the deposition of Mr. Elder, about which there was so much talk at that time in this place. I must have given him the notes, because after recollecting all I can, I cannot recollect seeing John Binns that night—I recollect perfectly the other asking me for the notes, and I thought it a matter of no consequence, understanding that he only wanted to see the testimony of Mr. Elder. I did not understand at that time, neither by intimation nor otherwise, that John Binns had any intention of taking a copy of those notes, or making any part of them the basis of newspaper publications. The committee, however, are not to understand me as saying that he did take a copy of them or made any part of them the basis of newspaper publication, because that I do not know, to this day, with the exception of what I have heard since this investigation commenced, from Mr. Binns himself, on oath. The notes were not returned to me that night, and I do not recollect who returned them to me next day—however, my impression is that it was not Mr. Binns.

I will state that I never knew, nor did I ever hear from any member of the committee, that they knew that John Binns had any hand in writing that report.

DOUGLAS. General Marks, please to state to the committee, what member of that committee waited upon you to procure your notes of the testimony and who did procure them?

Ans. It was General M'Kean; he boarded at the house where, I understood, Mr. Binns put up.

DOUGLAS. General Marks, how long have you been intimately acquainted with the present Governor, to the best of your recollection?

Ans. I think it was in the session, sir, of 1809-10 that I first was sent to the Legislature, he at that time was state treasurer, I then formed an acquaintance with him and have been intimate with him ever since.

DOUGLAS. Had you any conversation with the Governor at any time, relative to the report of the committee, appointed by the House of Representatives, to inquire into the official conduct of the late state treasurer, before its adoption by the House of Representatives, of the session of 1817-18?

Ans. I do not believe I ever spoke with him on the subject—I believe it was the first time the committee met at the treasury, the Governor was there—I understood it was by special request from the chairman, to explain to us some books we were going to examine, or to answer inquiries. There was nothing passed at that time but what passed in the presence of the committee, Mr. Crain the treasurer, and clerks, and Mr. Downey, who attended as prosecutor.

DOUGLAS. Did you know, sir, of the Governor having any conversation with any member of that committee, on the subject of the report to be offered by the committee?

Ans. I never heard any such thing. It was the chairman who undertook to draw up the report, and I think it perhaps was not more than four days after the testimony was closed, that the committee met one night in one of the committee rooms, and the chairman then submitted the report. We examined the report and amended it—I cannot particularly specify the amendments; and in that shape it was submitted to the House of Representatives.

BINNS. Did you ever understand, sir, from the chairman, who was that drafted the report?

Ans. I never did. I expected then, that it was himself that had drafted it—I never heard any thing else intimated by any member of the committee.

BINNS. You say, sir, that the chairman submitted the report to the committee at a meeting which they had after night; do you recollect how long the committee that night remained in session?

Ans. I do not, indeed, sir.

TODD. Did the Governor, either by himself or any other person, to your knowledge, ever interfere, in any manner, with the proceedings of that committee ?

Ans. I never knew nor heard any such thing.

BINNS. Did I understand you, general Marks, to say, that previous to this inquiry, you had believed that the report of that committee was written by the chairman ?

Ans. I was alluding to the time, sir, it was submitted to the committee.

BINNS. How long after it was written, had you any intimation that it was written by any other person than the chairman ? and who did you then hear had written it ?

Ans. I never heard any thing further about it until last session, that is, the session after the report was made. I then heard it said, that John Binns drew the report, or part of it.

RANDALL. Did the amendments made before the committee, alter the principles of the report ?

Ans. No, sir, I am very certain they did not : The substance was the same—some trifling amendments were made here and there. It is impossible for me to tell now what the amendments were. I have given you every thing which I can recollect on the subject.

THOMAS SERGEANT, called again.

WILKINS. I wish to read to Mr. Sergeant, the third charge exhibited against his excellency William Findlay. [Reads the charge]—You are the secretary of the commonwealth alluded to in this charge, I presume ?

Ans. Yes, I presume so.

WILKINS. I wish you distinctly to state, whether that charge is founded in truth or not.

Ans. So far as my knowledge extends, the charge is altogether untrue and unfounded.

RANDALL. Do you know of any matter or thing connected with any charge, of official misconduct against the Governor of this commonwealth, besides what you have been interrogated to ?

Ans. I do not. I have never known of any conduct of Governor Findlay that was not perfectly correct and upright.

BINNS. Do you know, sir, of his having authorised applications to various persons, to know whether they would or would not accept certain offices at Harrisburgh, and that upon their consenting to accept, without consulting them he appointed other persons ?

Ans. I have no knowledge of an instance of the kind having ever occurred.

BINNS. Did you never hear, sir of his having authorised such an application to Abner Lacock ?

Ans. I have heard of such a thing but I know that the rumor was unfounded.

BINNS. Do you mean to say that Governor Findlay never authorised Mr. Clark, of Beaver county, to apply to general Lacock, to know whether he would or would not accept the office of secretary of the land office ?

Ans. So far as I know, I am persuaded that he never did authorise Mr. Clark. If Mr. Clark did do it, he must, I presume, have done it by mistake.

Adjourned until 9 o'clock to-morrow, A. M.

THURSDAY, February 3, 1820.

FREDERICK EICHELBERGER, Sworn.

DOUGLAS. Please to state whether you were a member of the committee appointed by the house of representatives, to inquire into the official conduct of the late state treasurer, during the session 1817—18 ?

Ans. I was.

DOUGLAS. Had you any conversation with Mr. Binns during that session, relative to the testimony or report of the commit-

tee, or on any other subject connected with your inquiry—or whether, to your knowledge, he conversed with any other member of that committee, on any other subjects?

Ans. I had no conversation with Mr. Binns during the pendency of the investigation, upon any subject touching the inquiry or investigation, of the conduct of the late state treasurer. I cannot say whether Mr. Binns had conversations with other members of the committee, concerning the investigation, or not. My meaning is, I have no knowledge whether Mr. Binns had conversations with other members of the committee or not.

DOUGLAS. Were you intimately acquainted with the Governor at that time?

Ans. I had some acquaintance with the Governor, previous to that time, and ever since.

DOUGLAS. Had either you or any other member of that committee, to your knowledge, any conversations with the Governor, touching the subject of that investigation, or of a report to be made by that committee, during the pendency of your proceedings?

Ans. I had no conversations with the Governor myself, nor do I know that any other member of the committee had, touching any thing relating to the investigation, or the report made by the said committee.

DOUGLAS. State whether ever you heard from any member of the committee, of the Governor's interfering in any manner with that committee, relative to the subject of their investigation?

[*Over-ruled.*]

BINNS. Did you know at the time that the chairman of that committee presented to them a report, for their adoption, amendment or rejection, that any other person than the chairman had drafted that report, or any part of it?

Ans. No, I did not. My impressions always were, that the chairman of that committee, was the author of the report which he presented to the committee for their adoption, correction or rejection.

DALLAS. Have you ever had any, the least reason to believe that the Governor interfered in any manner with that committee, relative to the subject of their investigation?

Ans. The first meeting that the committee, appointed to investigate the conduct of the late state treasurer had, they proceeded to the treasury office of this commonwealth, for the purpose of exam-

ining the accounts between the treasurer and the banks. While at the treasury, the Governor was present, and referred the said committee to the books and accounts kept with the banks. I never knew after that, that the Governor either directly or indirectly interfered with the committee of investigation. I heard that the Governor was present at the request of the chairman of the committee.—Mr. Downey was also present, and Mr. Crain.

BINNS Was that committee at least three months in existence, before it authorised its chairman to make a report to the house of representatives?

Ans. I do not recollect how long that committee was in existence. This, I well recollect, that after the committee was done taking the testimony, they requested their chairman to prepare a report—and in a few days afterwards, the chairman of that committee presented the report to them.

BINNS. During the sittings of the committee, was the late state treasurer at any time represented by counsel?

Ans. Not to my knowledge.

RANDALL. Do you know of any matter or thing connected with any charge of official misconduct in the Governor of this commonwealth, besides that to which you have been already interrogated?

Ans. I do not.

JOHN LISLE, called again.

DOUGLAS. State the conversations you had with Mr. Jennings, at your house, immediately after he had been applied to by Mr. Bache, to know if he would agree to take Samuel Fox on the terms you were to take him, in case you were appointed auctioneer?

Ans. About the 18th of March, 1818, Mr. Jennings called on me and informed me, that he had been applied to by Mr. Bache, to know if he would take Samuel Fox on the same terms that I was to take him, provided I was appointed, and asked me what I would advise him to do. I told him that in making that agreement I acted for myself; that I was anxious to have the appointment myself;

that I could not, having neither right nor inclination, act for him ; that he must therefore proceed in that matter as he thought proper. He stated to me that he had received unfavorable impressions as to Mr. Fox, and therefore would not take him, and left my house. It is not true that I ever asked John Jennings to take Mr. Fox on the terms that I was to take him, and allow him what he might think his services worth : the contract I had made with Mr. Edward Fox, for his son, was bottomed entirely upon my receiving the commission, and not on Mr. Jennings' receiving it. In case I was not appointed, and joined Mr. Jennings, the contract with Mr. Fox was null and void. There did not therefore exist the shadow of an occasion for me to offer Mr. Jennings any premium for getting himself appointed. In order to make this more manifest I will read extracts from two letters. [Reads a letter from D. Acheson to John Lisle, dated Harrisburgh, 24th February, 1818. See APPENDIX, No. 39.—And a letter from George Bryan to John Lisle, dated Harrisburgh, 11th March, 1818. See APPENDIX, No. 40.]

In addition to this I would state to the committee that two or three days before John Jennings called on me to ask my advice, as I have stated, I authorized, in the most positive terms, Mr. Edward Fox to instruct his son John Fox, who was then about to go up to Harrisburgh, to inform the Governor for me, that if he believed that I should be satisfied with Mr. Jennings receiving a commission and I going into partnership with him, he was deceived by false representations ; that I earnestly entreated the appointment for myself, for the reasons I had given to the Governor when I was in Harrisburgh.

DOUGLAS. Mr. Jennings has said in his testimony, that he called to inform you that he had been solicited by Mr. Mifflin to form a partnership with him in case of his success, and wished to know of you, whether he was at liberty to enter into terms with him ; and says further, that you declined giving him permission --- please to state the nature of this conversation and the time when it took place ?

Ans. It was sometime in February 1818 ; Mr. Jennings did not ask my permission to form any connexion with Mr. Mifflin ; he only stated to me that an overture was made by Mr. Mifflin : if he had asked me I undoubtedly should have had a right to refuse him, because a verbal agreement existed between us, that in case I was not appointed and he was, I would give him a preference provided I agreed to go into partnership with any one of the applicants ; and he had pledged himself to me that he would give me a preference in case we could agree upon terms ; he had therefore no right to accept of any overtures until it was known whether I should be appointed or not.

DOUGLAS. Mr. Jennings has stated, that you called upon him about the middle of March, 1818, to tell him that Mr. Wier had intimated to you a desire to form a partnership with you, in case of your being appointed, and that you wished to inquire of him whether, in case you were not appointed, and arranged a partnership with him, he would incline to include Mr. Wier—He also stated, that you said Mr. Wier insisted on including Mr. Lewis, and proposed for him the one-sixth of the profits. Please relate to this committee what you recollect on that subject ?

Ans. I think that conversation took place early in March. So far as relates to Mr. Wier it is correct ; so far as relates to Mr. Lewis it is not correct. Mr. Lewis' name was not mentioned then, because Mr. Lewis was not proposed to me as a partner, with a sixth of the profits, until after my appointment, on the 26th of March. He, Mr. Wier, then proposed and insisted on Mr. Lewis being brought in as a partner, and Mr. Lewis claimed a larger share of the profits than was fixed ; he wanted one-fourth, so that a sixth could not have entered into my mind before the 26th of March ;—that share of the profits being the result of a long discussion

DOUGLAS. Do I understand you correctly, in stating that Mr. Wier was the only person who had ever proposed to you to embrace Mr. Lewis in your partnership ?

Ans. That is my impression ; and with regard to one-sixth of the profits, I am positive ; because it was not fixed, nor thought of, nor entered into my calculation, until the 26th of March, the day the terms of the partnership were arranged with Mr. Wier.

DOUGLAS. Have you any doubt on this subject ?

Ans. I have stated, that I do not recollect that Mr. Lewis' name was mentioned as a partner, until the 26th of March, and I am positive a sixth part of the profits was not mentioned until then, because that was the result of the discussion which took place on the 26th of March, with Mr. Wier and Mr. Lewis.

DOUGLAS. Mr. Jennings has said, that at the close, or shortly before the close of the investigation into the official conduct of the late secretary of the commonwealth, you and he had a conversation at Mr. Buffington's, in which you expressed a wish that he would acknowledge he was mistaken in some parts of his testimony, given on that investigation, which would be a reason for keeping him in office.—Please relate that conversation to this committee, as nearly as you can recollect it.

Ans. The only conversation I recollect having with Mr. Jennings, during or after the inquiry, was one that occurred at Buffington's,

after the inquiry had closed.—Mr. Jennings had his coat on, waiting for the stage, that was then at the door, to take him to Philadelphia, or rather to Lancaster; I came into the public room at that moment. I had had a conversation with the Governor on the score of Mr. Jennings, which Mr. Steel has narrated so correctly that I need not repeat it. Mr. Jennings had manifested so strong a desire to have me for a partner, that notwithstanding his conduct towards me, I felt a desire to serve him. I told him I wished to speak to him for one moment, and we retired into the small room back of the front room. I told him that I had understood that a number of the members of the legislature were exasperated at his conduct; I cannot give the names of the members; several members had conversed with me, whose names I did not know, and had determined to wait on the Governor to solicit his removal, and asked him, Mr. Jennings, if he would authorise me to speak to the Governor in his behalf to continue him. I thought Mr. Jennings might think me officious if I interfered any further with his authority. Mr. Jennings looked very earnestly in my face without speaking. Said I, “Mr. Jennings, you suspect I am laying a trap for you, you are mistaken, I wish to serve you.” Mr. Jennings said, “Will you acknowledge that you authorised me to inform the Governor, that you would prefer being my partner, to having the commission yourself?” I replied, indignantly, “Is it possible that you will ask me that question!—I have done with you!”—and we parted. As Mr. Jennings went off, to get into the stage, I called to him:—“Notwithstanding your unaccountable conduct I will not injure you.”

DOUGLAS. Do you know any thing relative to Alexander Wilson’s desire to obtain a situation in Philadelphia, as a clerk to Mr. Humes?

Ans. Mr. Alexander Wilson called at my store, some time after my appointment, I do not know how long, and informed me that the Governor was his warm friend, and had tried to procure a situation for him in the Bank of the United States, by writing to Jonathan Smith; that he had likewise written a letter in his favor to John Humes;—that both attempts had failed, and that he was now under the necessity of seeking a situation for himself, and asked me if I had a vacancy in my establishment. I told him that I had not. He said he must go round the whole of his friends, for he could not support himself without one. He at length obtained a situation with Samuel Carswell.

DOUGLAS. Mr. Binns has stated, he was on terms of intimacy with the late secretary of the commonwealth, even after his letter of the 27th March, 1818, to the Governor; please state the conversation you had with Mr. Sergeant before the 16th of April, 1818, when you invited him to dine with you, and intimated a wish

to him to have John Binns at dinner if it would not be to him disagreeable?

Over-ruled

DOUGLAS. State, if you know the reason why the Governor did not extend the assignment of Thomas Findlay's mortgage to him, as well as to Mr. Taylor as to you?

Ans. After the stoppage of the house of Finley and Vanlear of Baltimore, Governor Findlay came to Philadelphia, I cannot tell the time, it was in the summer of 1819; he expressed a great anxiety that the house in Baltimore should replace the sums of money that Mr. Taylor and myself had advanced to Finley and Vanlear in consequence of their stoppage. I told him to give himself no uneasiness on the subject, that I had from the house of Finley and Vanlear, the strongest assurances, that they were then engaged in procuring the means of re-imbursing us, and that in consequence of Mr. Taylor not being so well able to bear so large an advance as myself, I had written to the house of Finley and Vanlear, requesting that they would appropriate funds for the purpose of reimbursing Mr. Taylor in the first instance, and leave my advance to be covered afterwards. In consequence of this information that I gave to the Governor, and in consequence of the answer from the house in Baltimore, the Governor must have been led to believe that Mr. Taylor was covered, and I was not. I informed Mr. Taylor expressly, that I had written to the house in Baltimore, and that he would be covered completely before I should receive a cent; that I had authorised the house to do so, for which he thanked me. When the mortgage arrived, I observed a written agreement on it, in consequence of this paper, and my wish that Mr. Taylor should be completely covered, I sent for him and told him that I would write on the assignment of William Findlay, the memorandum which is now on it, and which gives him a share in the mortgage. [See APPENDIX No. 41.]

DOUGLAS. I wish you to state to the committee, whether you did not understand that Mr. Taylor had notes and bills from the house of Finley and Vanlear of Baltimore, to cover his advance before you made a pro rata assignment to him of that mortgage?

Ans. Yes. The mortgage was assigned to him as a security to be resorted to by him in case the notes and bills failed.

Adjourned until 3 o'clock.

SAME DAY, 3 o'clock, P. M.

JOHN LISLE, *called again.*

BINNS. Mr. Lisle, when did you make the notes to which you this day referred when you were under examination?

Ans. I made part of them before I was examined in the case of Mr. Sergeant; that part of them respecting occurrences of a subsequent date to that examination, I have made since from papers that I have with me, as far as those papers go. The other notes I have set down from my recollection.

BINNS. Do you mean to say, sir, that many of those notes have not been made by you in consequence of the examination of witnesses during the present inquiry?

Ans. This paper contains merely what was necessary to give my details in chronological order, as the facts occurred. This was written by me here from the notes I mentioned, and from my recollection. I state that many of them were made before my examination in the case of Mr. Sergeant, which paper I have with me, and from which I took them—these are shorter.

BINNS. I want to know whether during the present inquiry you have not been engaged in taking notes to a very considerable extent?

Ans. I have in the case of Mr. Jennings, and in some other cases taken notes.

BINNS. Have you had any conversation with the Governor's counsel on the subject of Mr. Jennings' evidence?

Ans. Yes, it was in consequence of Mr. Jennings having stated that which I believed not to be true, and which I wished to contradict, because it was different from the evidence I had given in. I conceived that his memory had failed him.

BINNS. Did you assist the counsel for the Governor, or either of them in drawing up the questions which were put to you this morning?

Ans. I did, because I wished to give answers to those questions, in order to establish my own veracity.

BINNS. Do I understand you correctly, when I understand you to have said, that if Mr. Jennings, previously to the notices having issued to the persons who were to be appointed auctioneers, had asked you, whether he might consider himself at liberty to have made a partnership with any one but you, that you would have answered him decidedly in the negative?

Ans. I have already stated so, because he had no right to do so, until it was known whether I should receive an appointment or not.

BINNS. At the time you stated to Mr. Jennings, that you had had a conversation with Mr. Wier, in relation to his becoming a partner in the event of Mr. Jennings being commissioned and you not commissioned, do you recollect whether the name of Mr. Lewis was mentioned?

Ans. To the best of my recollection it was not.

BINNS. You have stated, that after the inquiry of last session had closed, you had a conversation with Mr. Jennings—please to state how many days after the inquiry had closed, you had the conversation alluded to, and the day of the week on which that conversation took place.

Ans. I cannot tell the day of the week, but I perfectly recollect it was at or near the close of the examination, because Mr. Jennings was about leaving Harrisburgh.

BINNS. Can you tell the day of the week?

Ans. No, sir, I cannot—it must have been very near, if not after the close of that inquiry.

BINNS. You have stated, that you had conversations with various members of the legislature, who were exasperated at the conduct of Mr. Jennings, and were determined to wait on the Governor to solicit his removal—I will thank you to state the names of the members of the legislature, with whom you had such conversations, and why they stated they were so exasperated at the conduct of Mr. Jennings, as to determine to wait upon the Governor and solicit his removal?

Ans. I was not sufficiently acquainted with the members to retain in my recollection their names; these conversations took place in this room at the time, and immediately after the session of that committee. It was because they believed my testimony and disbelieved his.

BINNS. Was the ground assigned by those members of the le-

gislature for the removal of John Jennings, the testimony of Mr. Jennings on oath before the committee of inquiry into the conduct of the late secretary of the commonwealth?

Ans. So I understood. I wish to add that at this distance of time it cannot be supposed that I could remember the very words that were used by those members, nor could it be supposed that the word *exasperated* would exactly suit the expressions of all of them. I may have made use of too strong a term, but the impressions on my mind from the declarations of those gentlemen, were, that the legislature, if the report of the committee should be favorable to Mr. Sergeant, would address the Governor and request him to remove John Jennings—and I was so informed.

BINNS. You have stated Mr. Lisle, that in a conversation you had with Mr. Jennings before he had spoken a word, you said, "Mr. Jennings, you suspect I am laying a trap for you." What induced you to make such an observation before Mr. Jennings had spoken?

Ans. His staring at me for some time without saying a word.

BINNS. You have mentioned that the Governor expressed great anxiety that the house of Finley & Vanlear should replace the sums of money which had been advanced by yourself and Mr. Taylor.—Was not the Governor guarantee for those sums?

Ans. Certainly, I have so stated.

BINNS. At what time, Mr. Lisle, did you come to the knowledge that Robert Taylor was in the habit of accepting drafts drawn by the house of Finley & Vanlear?

Ans. I cannot state the time exactly, I learned it in Baltimore from Mr. Gray, the former partner of Mr. Taylor, some time previous to the stoppage of the house, but how long I cannot say—it may have been two months before, but I cannot say with any certainty. It was in the spring.

BINNS. Are you certain that you had not been in Baltimore within one month before the house of Finley & Vanlear stopped?

Ans. I really cannot say whether one or two—It is impossible. I could have answered the question had I known in Philadelphia that it would have been asked me.

BINNS. At what time, sir, did you first come to the knowledge that Robert Taylor held from the Governor of this commonwealth.

a guarantee for 10,000 dollars, as a security for his acceptance of the drafts of Finley & Vanlear?

Ans. At the same time and from the same person, Mr. Edward Gray.

BINNS. Suppose that John Jennings had got a commission as an auctioneer, and that you had not, how much capital would you have been able, without borrowing from the banks, to have put into the business with Mr. Jennings?

Ans. I told Mr. Jennings that I had a sufficient sum coming from my former partners in Virginia, then due within a short time, to put in 25,000 dollars in money, and that I could with a great deal of ease, raise 25,000 dollars more if necessary, which was the contemplated capital of 50,000 dollars, all of which I was to find.

BINNS. I did not ask you, Mr. Lisle, what you told Mr. Jennings. I asked you how much capital would you have been able, without borrowing from the banks, to have put into business with Mr. Jennings—say on the 1st of April, 1818?

Ans. By discounting the business paper (which I do not call borrowing,) because it is not to be repaid by me, but the payors of the notes—in that way, I could have raised at that date with ease, the 25,000 dollars out of my own funds.

TODD. Am I to understand you to say, that if Jennings was appointed and you had went into partnership with him, you were to furnish all the capital?

Ans. I understood from Mr. Jennings, that he had no active capital, not having received his money out of the firm of Worrel, Jennings, & Co. and intending to give that firm a long credit if they purchased him out.

TODD. Am I to understand you to say, that the members of the legislature with whom you conversed, and were exasperated at Mr. Jennings, were exasperated at him merely on account of his testimony, or on account of the manner and means he had used, as they supposed, in endeavoring to defeat your application for the office of auctioneer?

Ans. It was the manner and means he used to prevent my appointment and to get me for a partner, which was considered, as they informed me, highly disreputable to him.

DOUGLAS. You were asked whether you assisted the counsel for the Governor, or either of them, in drawing up questions which you answered to-day; I wish you to state whether you meant that

you assisted them in drawing up these questions, or only furnished them with some questions taken down by you from the examination of Mr. Jennings ?

Ans. I furnished some questions to the counsel : I had no communication with them at all when they drew up their questions. I merely stated to them some questions which I wished them to ask me.

[The counsel for the Governor then stated that they had closed.]

[BINNS then offered in evidence a letter from Thomas Sergeant to John Binns, dated 25th February, 1818]

(*Over-ruled.*)

[BINNS then offered in evidence a letter indorsed by John Binns, "*Thomas Sergeant to Richard Bache, March 1818,*" which Mr. Binns testified was in the hand-writing of Thomas Sergeant. See APPENDIX, No. 42.]

JOHN BINNS, *called again.*

TODD. Did the chairman of the committee of inquiry into the conduct of the late state treasurer, or any of the members of that committee, at any time request you to draft or assist in drafting their report or any part thereof.

Ans. I have no recollection that they did.

TODD. Did you ever communicate to the chairman of the committee of inquiry into the conduct of the late state treasurer, or to any other member of that committee, your intention to draft the report or any part thereof ?

Ans. I cannot say positively that I did ; nor will I say positively that I did not.

TODD. Did the chairman of the committee appointed by the House, of the session of 1818—19, ever apply to you by letter, personally, or by a third person, to draft any paper intended as a report or a substitute for a report ?

Ans. Never.

TODD. Had the chairman of that committee any conversation with you respecting the charges submitted to that committee or the testimony produced to substantiate them, or do you recollect having

had any conversation with the chairman, on that or any other subject, except what took place before the committee ?

Ans. I never had any conversation with the chairman before the committee, nor have I had any conversation with him in any other place touching the subject referred to the committee of which he was chairman.

(Here the testimony closed.)

A P P E N D I X.

DOCUMENTS,

Referred to in the preceding Pages.

[The following letter, of Thomas Sergeant, was exhibited to the committee, in the testimony of RICHARD BACHE, (see page 16,) but reference to its place in the *Appendix* was omitted by mistake.]

Hg. March 16, 1818.

DEAR RICHARD,

I wish you immediately to attend for me to a subject which I have very much at heart, and on which something *must* be done immediately. Sam. Fox (son of uncle) has been appt. for auc. but uncle did not press the commission for him being contented that he shd. by an arrangement with some one appd. receive \$2,000 p. an. and give his services in return. An arrangement has been made I believe by uncle with Lisle, which wd. have done very well if L. had got the commission. But L. has, tho' not formally, yet in fact (between you and me) withdrawn from the field under a contemplated arrangement with Jennings, and I fear if Jennings gets the commiss. the other will fall thro. Now as if L. got it the parties wd. be the same as if J. got, why shd. there be any difficulty. I wish you to see if the understanding cannot be made with J. also. If it cannot, I will certainly try to get L. appd. or some one that will. This is a matter I have much at heart, and which I certainly will use all my power to effect. It is not much that is asked—Sam's services will be worth a great deal: and besides his friends give him quite as much title to this as any body's

do to a commission. They wd. be very glad to join him on such terms if he got a commission: uncle is sick a bed: and has not had the thing arranged as I expected: I have hitherto left it to him: but I now wish you to go about it without you may see and talk to him: but pray do not let any thing prevent your attending to this *immediately*, and write me word. I will have things delayed in the mean while.

I wish

If you can do nothing with J. let me know you to speak to Steel or Taylor; Steel at any rate ought not to hesitate—nor Jennings indeed—nor *Wurts*—for I have kept their heads always uppermost.

If this

nothing

Yrs.

you may use my
wishes as pressing.

I am determined to have the thing effected before the comms. are made out. H & I do hope wish some of those I have hitherto befriended would agree.

No. 1.

WHEREAS, John Lisle and Samuel Fox, both of the city of Philadelphia, have heretofore separately applied to the Governor of Pennsylvania, to be commissioned auctioneers in the city of Philadelphia; and it appearing to them, from the great number of applications of the same kind, that a consolidation of their respective interests in favor of either of them, would induce the Governor to grant a commission to the one in whose name it was solicited; and the said Samuel Fox did, in consequence, withdraw his name, and solicit the Governor to grant the commission to the said John Lisle; and informed the Governor that it would be as acceptable to him, to have the said John Lisle commissioned, as to have the commission in his, the said Samuel Fox's own name, and the Governor has been pleased to consent thereto

Now, in consideration of the premises, it is agreed that the said John Lisle, shall employ the said Samuel Fox, as a clerk, in his, the said John Lisle's auction store, during the continuance of his commission, and the renewals thereof, by the present Governor, or the next succeeding Governor. And the said Samuel Fox, agrees from time to time and at all times, to perform the duties of a clerk, to the best of his skill and judgment—and will render all such reasonable services as may be required of him in the premises, to the

best of his power. And the said John Lisle promises and agrees to pay, to the said Samuel Fox, the sum of two thousand dollars per year for his services, during the time above mentioned, in equal quarterly payments.

In witness whereof the said parties have hereunto set their hands and seals, this first day of April, 1818.

Sealed and delivered in presence of

NANCY MARK LISLE.

* * * * *

SAMUEL FOX,

* SEAL. *

* * * * *

* * * * *

JOHN LISLE,

* SEAL. *

* * * * *

Witness to John Lisle's acknowledgement,

WM. TURNER.

No. 11.

THIS INDENTURE, made this thirteenth day of July, in the year of our Lord one thousand eight hundred and nineteen, between Thomas Finley, of the city of Baltimore, merchant, of the one part, and William Findlay, of Harrisburgh, esquire, of the other part, WITNESSETH, That whereas, Samuel Findlay, late of the county of Franklin, in the state of Pennsylvania, father of the said Thomas and William, died seised of a certain tract of land, containing between five and six hundred acres, situate in Peters township, county and state aforesaid; adjoining lands of Robert M'Farland, the heirs of doctor Richard Brownson, William M'Clelland, the heirs of Richard Baird, esquire, John M'Cullough, esquire, and others, which, as well as other property of which he died seised, he directed his executors, by his last will and testament, to sell and divide the proceeds among his six sons—namely, John, William, James, Jonathan, Thomas and Nathan; and as they were all of full age at the time of his decease, they entered into an agreement to modify the power and extend the discretion of the executors, to sell the property of which their father died seised: and in pursuance thereof, the legal title to two hundred and fifty-two acres, and one hundred and thirty-eight perches and allowance, part of the above described tract of land, became vested in the said William Findlay in fee, as by the records of the said county of Franklin will

fully appear : and it is fully understood among the said sons and devisees, that John, James and Thomas, three of the said sons of the deceased, are to inherit the residue of the said above described tract of land, as tenants in common thereof, or to receive, share and share alike, of the proceeds of the said residue, in case the executors should sell or dispose of the same. Now the said Thomas Finley, in consideration of the sum of five dollars, to him in hand paid, before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, HATH given, granted, bargained and sold, released and confirmed, and by these presents DOETH give, grant, bargain, sell, release and confirm, unto the said William Findlay, his heirs and assigns, all his share or third part of the residue of the said tract of land in Peters township, Franklin county, Pennsylvania, above described, (after the deduction therefrom of the said two hundred and fifty-two acres, and one hundred and thirty-eight perches and allowance, vested as aforesaid in the said William Findlay in fee,) as the same is now vested in the said Thomas, by the will of his father : and the understanding and agreement of the sons, his devisees as aforesaid or otherwise ; and all the right, title, interest, property, claim and demand, of him the said Thomas, in law or equity, of, in and to the same residue, and the proceeds thereof ; together with all the rights, liberties, privileges, buildings, improvements, ways, watercourses, hereditaments and appurtenances to the same belonging or in any wise appertaining. TO HAVE AND TO HOLD the premises hereby granted to the said William Findlay, his heirs and assigns, to the only proper use, benefit and behoof of the said William Findlay, his heirs and assigns, forever : *Provided always nevertheless*, That if the said Thomas Finley, his heirs and assigns, shall, on or before the first day of August next, pay to the said William Findlay, his heirs and assigns, the sum of ten thousand dollars, lawful money of the United States, then this INDENTURE, and all the estate and title hereby granted, shall cease, determine and become void.

In witness whereof, the parties have hereunto set their hands and seals, the day and year first above written.

* * * * *

THOS. FINLEY, * SEAL. *

* * * * *

Sealed and delivered in the presence of

JOHN IRWIN,
WM. ENSEY.

Before me the subscriber, associate judge of the sixth judicial district of Maryland, personally came the above named Thomas Finley, of the city of Baltimore, merchant, and acknowledged the above Indenture, to be his act and deed, and desired the same to be recorded as such.

Witness my hand and seal this sixteenth day of July, Anno Domini 1819.

WM. H. WARD.

MEMORANDUM.

It is understood that this mortgage is given to secure and indemnify William Findlay, against any monies that he may pay, or engagements he may be answerable for, upon any security or guarantee given by him upon account of the firm of Finley & Vanlear, of Baltimore.

THOS. FINLEY.
WM. FINDLAY.

STATE OF MARYLAND,

Baltimore county, ss.

I HEREBY CERTIFY, That William H. Ward, gentleman, before whom the foregoing acknowledgment was made, and who hath thereto subscribed his name, was at the time of so doing, an associate judge of the sixth judicial district of the state of Maryland, duly commissioned and sworn.

* * * * *
* SEAL. * In testimony whereof I have hereto set my hand
* * * * * and affixed the seal of my office, this sixteenth day
* * * * * of July, eighteen hundred and nineteen

WM. GIBSON, Clerk Baltimore county court.

PENNSYLVANIA,

Franklin county, ss.

ENTERED and Recorded in the office for recording deeds, &c. in and for the county aforesaid, in record of mortgages A. page 291, &c.

* * * * *
* SEAL. * In testimony whereof, I have hereto set my hand and
* * * * * official seal, at Chambersburg, the 3d of August, A. D.
* * * * * 1819.

P. S. DECHERT, Recorder.

No. III.

Harrisburgh, 18th April, 1813.

Dear Sir,

If the house of Finley & Vanlear, of Baltimore, should propose a mercantile or monied negociation with you, or with the firm in which you are concerned, and if you should find it convenient

to accede to their proposition; in that case, then, I hereby guaranty the performance of their engagements to any amount, not exceeding ten thousand dollars. It is not from any doubt of their solvency or punctuality, that I limit my guarantee to this sum—but from my ability to pay, in case they should meet with unforeseen disasters, to which all concerned in trade are liable.

I am, sir, very respectfully,

Your most obedient servant,

WM. FINDLAY.

JOHN LISLE, Esquire.

No. IV.

(COPY.)

Philadelphia, June 5, 1818.

Messrs. Finley & Vanlear, Baltimore.

Dear Sirs,

Mr. Findlay, junior, called this morning with a letter from your Mr. Thomas Finley, to him, requesting that he would enquire of me, whether it would be agreeable to permit your house, occasionally to draw on me at sixty days, to the amount of six or eight thousand dollars; payment to be provided in Philadelphia by you.—He likewise left with me a letter of guarantee, from his Excellency William Findlay.

It will afford me much pleasure to render your house service; and I will accept your drafts to the above amount, as you have occasion to draw them; you will of course cover the payments here.

With my best respects to your Mr. Thomas Finley,

I remain, gentlemen,

Your sincere and very humble servant,

JOHN LISLE.

No. V.

Harrisburgh September 7th, 1819.

DEAR SIR,

I duly received your letter of the 28th ultimo, with the printed paragraph to which it refers. I concur in opinion with Mr Sargeant, that it is unnecessary to take legal notice of it.

Several things have been published respecting me, within a few years past, upon which actions of slander could have been sustained, but I never consented, though frequently applied to for the purpose, that any should be instituted. The liberty of the press is invaluable, but the extent to which its abuse has been carried, in our country, is much to be regretted. It would, however, appear that it cannot be corrected by suits at law, or in any other manner, than by the sentiments of the people.

You will find the mortgage herewith enclosed which I transferred to you a few days since. If the transfer be considered informal, I am ready to transfer it in a more formal manner. The land is patented, and of the first quality, and free from prior liens, or any incumbrance. It contains not less than ninety, nor more than one hundred acres, which would have sold some years ago, at 100 dollars per acre. The price of lands has since suffered a depression. There are no lands near to it of the same quality, that have been lately sold for any price. It is, therefore, difficult to say what it may be worth at present. I have a tract of the like quality adjoining it, for which I would not take less than 90 dollars per acre, but am not certain that I could obtain it at this time.

I have understood from my brother, that in addition to this security, if it should be deemed insufficient, he will place good notes, due his house, in your hands, as soon as possible.

Your friendly sentiments towards myself, and your and Mrs. Lisle's respects to Mrs. Findlay and my daughter, are cordially received and reciprocated.

I am, sir, respectfully,
your friend and obedient servant,

WM. FINDLAY

JOHN LISLE, Esquire.

No. VI.

Harrisburgh, 30th January, 1818.

DEAR SIR,

My brother, Thomas Finley, of the house of Finley & Vanlear, of Baltimore, has requested me to introduce their house to a mercantile gentleman of your city, for the purpose of obtaining occasional aid in their pecuniary transactions; and I accordingly

transmitted to him a letter addressed to you. I hope, in case it should be forwarded, that you will be able to comply with the request which it contains.

You will observe, from its contents, that you are not to incur any risk, nor to subject yourself (if I understand his object) to the inconvenience of advancing money for their use. If it should be in your power to aid him in his views, agreeably to the tenor of my letter, I shall consider it a very particular favour.

I have only to add, that in taking this liberty, I presume, nor claim, nothing in consequence of the conversation between us, at the time I had last the pleasure of seeing you.

I am, sir, respectfully,

Your obedient servant,

WM. FINDLAY.

Mr. JOHN JENNINGS, Merchant.

No. VII.

Baltimore, February 3d, 1816.

Mr. John Jennings,

SIR,

Having heavy engagements to meet this month, and knowing the facility with which money can be obtained for bills, on Philadelphia, we addressed our friend at Harrisburgh, requesting him to furnish us with a letter of introduction and of guarantee, to one of his friends in your city, on whom we might be permitted to value. In reply, he furnished us with the enclosed letter, addressed to yourself, to which we ask your attention.

We confess that we feel somewhat awkward in making an application of this nature to a gentleman to whom we are personally and probably by character, totally unknown; but in case you should be good enough to agree to honor our bills, we pledge ourselves, that you shall in all cases, be placed in funds, and after the spring trade opens, we shall not have occasion to trouble any of our friends in this way. We shall probably draw but one bill, at seventy-five days, and relieve it at maturity.

We are perfectly aware that this is out of the usual course of mercantile operations, and that such an application requires an apology

We assure you, however, that while this accommodation will be an advantage to us, it shall be no disadvantage to you. We shall feel obliged if you will have the goodness to reply to this letter by return of mail; and should it not be convenient, or agreeable to you, to comply with our wishes, be pleased to return our friend's letter.

Very respectfully, sir, we are

Your obedient servant.

FINLEY & VANLEAR

No. VIII.

(COPY.)

Philadelphia, February 5, 1818.

Messrs. *Finley & Vanlear,*

Gentlemen,

I have this moment received your favour of the 3d inst. covering one from our mutual friend at Harrisburgh, under date the 23th ult. In reply I have to observe that I am the junior partner in our house and that we are under certain restrictions with those houses with whom we are connected in the paper business, and without consulting my partners upon this subject, I know they could not consent to it.

My own individual name I am of opinion would not answer the proposed object, and might operate to the prejudice of our house—Under these views of the subject, I must beg leave to decline your proposition.

Enclosed you have the letter of your friend.

I am, very respectfully,

Your most obedient servant,

JOHN JENNINGS.

We certify that the above is a correct copy of a letter signed John Jennings, and addressed to us; the original of which is in our possession.

FINLEY & VANLEAR,

Baltimore, 19th October, 1819.

Baltimore, 19th October, 1819

John Jennings, Esq.

SIR,

We duly received your letter of the 9th instant, and have now to thank you for your prompt compliance with our request.

Until the present moment, we had not been able to lay our hands on your letter of the 5th February, 1818, a copy of which we now have the pleasure to hand you.

Very respectfully, sir, we are your

Most obedient servants,

FINLEY & VANLEAR.

No. IX.

Harrisburgh, October 21st, 1819.

SIR,

I am directed by the Governor to enclose you a copy of a notice transmitted this day, to Mr. John R. Neff, by which you will perceive that your commission as auctioneer for the city of Philadelphia, will be superseded and annulled on the 1st day of November next.

I am, sir, very respectfully, your's,

S. D. INGHAM, Secretary.

No. X.

(COPY.)

Harrisburgh, October 21st, 1819.

SIR,

I am directed by the Governor, to inform you, that on the first day of November next, a commission will issue to you, as auc-

ioneer of the city of Philadelphia, in the room of Mr. John Jennings.

I am, sir, with much respect, yours.

S. D. INGHAM, Secretary.

Mr. JOHN R. NEFF.

No. XI.

Philadelphia, October 23, 1819.

His Excellency William Findlay,

Governor of the Commonwealth of Pennsylvania.

SIR,

Our Mr. John Jennings has this evening received a letter, of date, October 21st inst. from S. D. Ingham, esq. secretary of the commonwealth, notifying him that his "commission, as auctioneer for the city of Philadelphia, will be superseded and annulled on the first day of November next."

We are not aware, that there has been on the part of Mr. Jennings, any want of attention to his duties, as an auctioneer, or that any complaints have been made of the conduct of our house, acting in conjunction with him, in the performance of the trust confided to him. In the absence of any charges, and with a consciousness that we have given no cause for them, we must presume an absence of any fault or error, in him or ourselves, in our public capacity, but that the step taken has grown entirely out of personal considerations.

It is not our intention to complain of, or to remonstrate against, the removal of Mr. Jennings, but we believe it to be a duty both to ourselves, and those whose property is intrusted to us, for a large amount, to lay before you the effect which the shortness of the notice given, will operate on that property.

It has heretofore, we believe, been always customary, to give previous notice of an intended removal of an auctioneer, for at least three months prior to the removal actually being made. This proceeding has grown out of the nature of the business, and is requisite to the winding up of a large concern, without injury to the public or to individuals. A short statement of the manner in which much of the business of an auctioneer is transacted in this city, will make this representation perfectly obvious.

It is customary for merchants to deposite with an auctioneer, a large amount of goods, on which he receives advances from the auctioneer for a considerable part, who proceeds to sell them to the best advantage. We have at this moment in our warehouses, as nearly as we can make, on a rough calculation, property to the amount of 100,000 dollars, on which we have made advances. It is utterly impossible for us to sell this property in the short space of time allowed us to close our auction business, viz. seven days.—Some of the property on which advances have thus been made has been sold, and the balance remains in our possession. As we cannot, on account of our own security, give up this property to the owners until our advances are refunded, the owners must either be compelled to raise the money at new and additional charges, or sustain the loss which will arise from their goods being withheld from the market. The loss which will thence accrue to them, we cannot prevent, and will be attributable solely, as in truth it will be, to the short time allowed us to fulfil our public contracts, owing to the departure from the usual course of proceeding in such cases.

We will take the liberty to make a single additional observation. A large portion of the revenue of the state arises from auction duties, and any measure which can tend to injure the confidence reposed in the auction commissions conferred by the state, must prove injurious to the public revenue. Now, a considerable amount of goods are consigned by the merchants of our sister cities, to the auctioneers of Philadelphia for the purpose of obtaining advances on them, and the sales of these goods add to the revenue of the state. But the sudden dismissal of an auctioneer in the full tide of business, with large advances on goods thus consigned to him, and the embarrassment and loss which must thereby be occasioned to the owner of the goods, will inevitably destroy the confidence reposed, and lessen the business transacted in this way.

From this view of the case, and the considerations we have thrown out, we flatter ourselves your Excellency will see the propriety of adhering to the usual routine on the present occasion, and extend the time allowed Mr. Jennings for the closing of the auction business, growing out of his commission. We would suggest with your permission, the last day of the present quarter as the shortest time, in which it could be affected. This request we prefer to you not as a matter of personal indulgence to Mr. Jennings or ourselves, but as a matter of justice to those individuals who have on the strength of Mr. Jennings' commission, and his correct conduct as a public officer, intrusted to our concern, a large amount of property.

Your Excellency, in reflecting on the nature of commercial institutions, must be aware of the complication of accounts, particularly in such an extensive concern, as has yielded to the revenue of the state, in the short space of eighteen months, a duty of \$27,922 87, which has been regularly paid into the treasury.

We beg leave to request, that the decision of your Excellency on the representation we have the honor to submit to your consideration, may be communicated to us as early as will comport with your convenience and public duties.

We are respectfully,

Your obedient humble servants,

JENNINGS, JONES & Co.

No. XII.

Harrisburgh, October 27th, 1819.

SIR,

A communication dated on the 23d inst. from Messrs. Jennings, Jones, & Co. was received by the Governor, late last evening, in which various considerations are urged for a further continuance of your commission for a limited time. In reply to which, I am directed by the Governor, to inform you, that all the circumstances of the case were duly considered by him, previously to issuing the notice of the 21st instant, and that nothing new has been suggested in the communication from your firm, to induce him to change the determination that has been intimated to you.

I have only to remark further, that your firm are under a misapprehension as to the "usage" in such cases. The notice given to the predecessors of the present auctioneers was dated on the 23d of March, and the commissions issued on the 1st of April following.

I am, sir,

Very respectfully, yours.

S. D. INGHAM, Secretary.

JOHN JENNINGS, Esq.

No. XIII.

Philadelphia, March 23, 1818.

Dear Sir,

The zeal and efficiency with which Mr. Passmore, has long supported the cause of democracy, but more especially at the late

general election, together with his misfortunes in business, have gathered round him a host of your friends, who are extremely anxious to have him re-appointed. I have heretofore, by letters and in conversation, put you very fully in possession of my own views and wishes, and to them I can have nothing to add. He is determined to make one more effort to prevail upon you to make up your mind in his favor, and leaves this in the morning for that purpose. Mr. Passmore calls upon me to write you in his behalf—what can I say that I have not before urged, and urged as strongly as I am able.

He has now, in addition to all former pleadings, to submit to you, the idea of appointing a highly respectable friend, who will take him as a partner, and thus give him another chance to make his way in the world. The person whose name he submits, is that of Alderman Geyer, who, from the sincerest desire to serve Mr. Passmore, would be willing to accept the commission. Of Mr. Geyer as a man, a democrat, and a magistrate, and of his general standing, you know as much as I can tell you.

To this, I can only add my sincere wish that something might be done to enable Mr. Passmore to try his fortune again, in a way to him the most promising of success.

I congratulate you on the report of the committee of inquiry, and am, very sincerely,

Your friend,

JOHN BINNS,

WILLIAM FINDLAY, Esq.

No. XIV.

Harrisburgh, 18th April, 1818.

Dear Sir,

If the house of Finley & Vanlear, of Baltimore, should propose a mercantile, or monied negociation with you, or with the firm in which you are concerned; and if you should find it convenient to accede to their proposition, in that case, then I hereby guaranty the performance of their engagement, to any amount, not exceeding ten thousand dollars. It is not from any doubt of their solvency, or punctuality, that I limit my guarantee to this sum, but from

my ability to pay, in case they should meet with unforeseen disasters to which all concerned in trade are liable.

I am, sir, very respectfully,

Your most obedient servant,

WM. FINDLAY,

ROBERT TAYLOR, Esq.

No. XV.

Chambersberg, August 7th, 1818.

Dear Sir,

The guarantee which I gave in my letter to you, of the 18th of April last, is intended to stand for that amount, as guarantee for all succeeding transactions of Finley and Vanlear, with you or your firm, and to continue for that amount, to guarantee such transactions, until you receive my request to the contrary.

I am, Sir, respectfully,

Your ob't. serv't.

WM. FINDLAY,

ROBERT TAYLOR, Esquire.

No. XVI.

Philadelphia, 28th January, 1820.

SIR,

I find, after carefully looking over my books and papers, that I have kept only memoranda on loose papers of the letters that I wrote to the Governor, on the subject of my acceptances for Finley & Vanlear, and I cannot make a copy of those letters from the

memoranda, that I could declare to be accurate. The substance of them however was, to inform the Governor of the suspension of payments by that house, of the sums that I was under acceptance for them, of the times at which they fell due, and requesting his attention to them. I enclose herein two letters from the Governor, in answer to those of mine. I recollect having received another from him, dated some time in October last, on the same subject, and expressing his regret that Finley & Vanlear had not put me in funds, adding that he would urge them to do so :—this I cannot now find. These three are the only letters of the Governor's I ever received, except those of guarantee, already in the hands of the committee, which had been sent me by Finley & Vanlear ; and, to the best of my recollection and belief, I never wrote a letter to him on any other subject, except three ;—one of which was my application for the commission of an auctioneer, one related entirely to professor Patterson's recommendation of me for that commission, and the other was merely introducing an acquaintance of this city to the Governor.

I am, respectfully,

Sir, your ob't.

ROBERT TAYLOR.

To JOSIAH RANDALL, Esqr. Chairman of the Committee, &c.

I do swear that the contents of the within letter are true, to the best of my knowledge and belief.

ROBERT TAYLOR.

Philadelphia, 28th Jan. 1820.

Sworn and subscribed January 29, 1820, before

G. BARTRAM, *Ald.*

No. XVII.

Harrisburg, June 7th, 1819.

DEAR SIR,

I have, this moment, received your letter, of the 5th instant, and the one to which it refers came also, duly to hand ; and to which I would have immediately replied, had I not expected to have been in your city before this time.

I intend to start to-morrow to view the improvements of the navigation of the Schuylkill, and expect to reach the city about the last

of this week, when no exertion shall be wanting, on my part, to bring the business, to which you allude, to a satisfactory conclusion.

I will thank you not to mention, to any one, that I have it in contemplation to visit the city.

I am, dear sir, respectfully,

Your friend,

WILLIAM FINDLAY.

ROBERT TAYLOR, Esquire.

No. XVIII.

Harrisburg, July 6th, 1819.

DEAR SIR,

I duly received your letter, of the 23d ultimo, which I should have noticed before this time, had it not been that I was desirous to do something to have enabled me to reply to it more satisfactory than I can now do. I am sorry to inform you, that my efforts to accomplish the object of your letter have been unavailing. I find it impossible to do more at present than to write to my brother, which I shall do to day, in the most urgent manner, to remit you, from time to time, such sums as he may receive, till the amount he owes you be paid. Being sensible of his inclination, I indulge the hope of his ability, to remit you so much, as, with the paper he has put into your hands, will enable you to meet the draft, and which will afford me great satisfaction to hear.

I am, sir, very respectfully,

Your friend,

WM. FINDLAY.

ROBERT TAYLOR, Esquire.

No. XIX.

Philadelphia, October 21, 1818.

SIR,

I regret that circumstances render it advisable, as regards my individual welfare, and perhaps as respects the interests of the

state, to tender to you the resignation of the commission as auctioneer for the city and county of Philadelphia, which your Excellency had the goodness to confer on me. I pray, your Excellency, to accept this, my resignation, and with it my warmest thanks, for the good opinion of me, evinced in conferring the commission, and the assurance of my unchangeable attachment and highest respect.

I am, sir,

Your Excellency's, &c.

JOHN CONRAD.

His Excellency, William Findlay, Governor of Pennsylvania.

The foregoing, is a true copy of the original, now filed in the office of the secretary of the commonwealth.

JAMES TRIMBLE, Deputy Secretary.

Harrisburgh, January 6th, 1820.

No. XX.

We the undersigned, do certify that on the books of John Steel, there is no accounts, nor has there been any for three years, last past, (being the time which we have kept said books) against William Findlay, Esq. Governor of the state of Pennsylvania, or against the house of Finley & Vanlear of Baltimore, or either of them.

Given under our hands, this 8th day of January, in the year of our Lord, eighteen hundred and twenty.

Samuel Steel.

A. M'Pherson.

Philadelphia.

No. XXI.

November 24th, 1817.

DEAR SIR,

Captain Earle has applied to you for the situation of Harbor Master of the city of Philadelphia. His character is that of a firm republican and correct politician. Captain Hawkes, the present Harbor Master, is also one of the Inspectors of the port, under the United States, in defiance of the law of Pennsylvania, making

it incompatible. Captain Hawkes never commanded a vessel out of Philadelphia; he is an Englishman, fought against the United States in the revolutionary war. He acted as deputy under captain Young, the former Harbor Master, and on Young's death, he, captain Hawkes, was appointed through the influence of a certain Philadelphia printer.

The office of Harbor Master is generally given to old marine captains, and ought to be. Captain Earle is therefore every way entitled.

On the truth of the above statement you may rely.

Your's, &c.

R. CONYNGHAM.

No. XXII.

March 2d, 1818, Lancaster.

DEAR SIR,

I am informed by a letter, received yesterday from Philadelphia, that captain Josiah has applied for the situation of Harbor Master. This same captain James Josiah persuaded captain Earle, in the first instance, to apply for the same, and is besides an old school man.

Captain Earle is the only consistent republican who has applied to you for the office, and I do hope you will appoint him for the same, as it will give such general satisfaction among the republicans of the city.

Peter Yoh, of Mifflin township, Columbia county, was recommended to the late Governor as a suitable person to be a justice of the peace. His exertions for you were very great in that county, and as he is every way deserving, I hope, if he is not already appointed, that you will appoint him, as he can be of infinite service to our cause in that county.

I am sorry I am obliged to trouble you, but you will readily excuse a person who is anxious to assist you as much as in his power, by advice.

Yours, &c.

REDMOND CONYNGHAM.

No. XXIII.

Danville, February 7th, 1818

William Findlay, Esq.

Sir,

Understanding from a friend, that very serious charges have been made to your Excellency against my private character, I have taken the liberty of addressing a few lines to you on the subject, and hope you will not think me impertinent in so doing. The mere wish to continue in office, could not have induced me to take this course; but my character, which is at stake, and of more consequence to me, than all the offices in the state, seems to require it.

The charges alluded to are, "That I am a very immoral man, a reviler of our holy religion; a scoffer of the preachers and professors of religion; that I never go to church, and that I treat with contempt and ridicule, every thing like piety." I do most solemnly pronounce said charges false and unfounded, and hope your Excellency will be so obliging as to let me know the accuser, as soon as convenient, that I may meet them in a proper way, if he is a person of character, which I very much doubt.

Colonel Robert Clark, John Murray, Leonard Rupert, Thomas Moorehead, James M'Clure, William M'Bride, captain Charles Clark, Samuel Bond, Esq. Nathaniel Wilson, Esq. James Donaldson, Esq. John Clark, Esq. John Chamberlin, Esq. Henry Ohl, Esq. Joseph Prutzman, Esq. Isaac Kline, Esq. and a number of others, the most respectable inhabitants of this county; some my immediate neighbors, the others residing in different quarters of the county, have recommended me to your Excellency, as a person of good moral character, which recommendations I presume, are now in your possession, and will be a considerable offset to the charge of immorality. The other charges, when investigated, will prove to be no better founded.

I would merely remark, that it is somewhat singular that such charges should be made at a distance and not here, where the matters should have taken place.

With great respect, I remain,

Your Excellency's most obedient, &c.

GEO. A. FRICK.

No. XXIV.

These certify, that upon application of Mr. George A. Frick, after having conversed with him and his lady, as is customary in our church in such cases, I baptised for them their first born child, sometime in the year 1816.

Given at Warrior-run, this 14th day of March, 1818.

By JOHN BRYSON, V. D. M.

No. XXV.

Philadelphia, March 27, 1818.

Dear Sir,

If it were not so extremely inconvenient to me to leave home for so long a time as would be necessary to have a personal interview with you, I would not hesitate about it, but start at once. This however, is impossible—I cannot leave my business. This introduction will satisfy you of the impressions I have as to the importance of the subject upon which I am going to address you. I will spread it before you with as much clearness, and as little waste of words as possible. For very many weeks it has been generally understood, that you had determined upon four of the persons whom you would appoint as auctioneers, viz : Messrs. Jennings, Steel, Wurtz and Piersol. It was also very distinctly, and among our friends, generally understood that Mr. Lisle was perfectly agreed and satisfied to form a partnership with Mr. Jennings. Things remained so far as I knew, in this situation, until about ten days ago, when Mr. Jennings informed me that Mr. Bache, in consequence of a letter from Mr. Sergeant, told him, Mr. Jennings, that Mr. Lisle had agreed if he were appointed an auctioneer, to take into his employment a cousin of Mr. Sergeant's, of the name of Fox, a son of Mr. Edward Fox's, at a salary of 2,000 dollars a year; and it was desired to know, whether if he, Mr. Jennings, were appointed, he would as a condition, agree to give Mr. Fox 2,000 dollars a year. Mr. Jennings promptly declared he would not agree to any such condition. It was then represented to him, that he refusing to accede to the condition, he might jeopardise his appointment, as Mr. Sergeant was determined to have somebody appointed who would take Mr. Fox at the above salary. It is

not necessary for me to remark upon the personal deportment or political character of Mr. Fox. Such a bargain and sale could in no wise, nor for no person, be justified or defended. A similar proposition to that made to Mr. Jennings, was by Mr. Bache made to Mr. Steel, who at once rejected it. I owe it to truth to state, that Mr. Bache has spoken of the proposition as disgraceful—and approved of the conduct of those who spurned at it. He, I presume, communicated the result of his interviews to Mr. Sergeant. As soon as Mr. Jennings mentioned to me what had passed, I said, I will write to the Governor and Mr. Sergeant, and express to them all the indignation and abhorrence I feel at such a setting up to sale the offices of the commonwealth. Mr. Jennings thought I had better write only to Mr. Sergeant; and I concurred, believing with Mr. Jennings, that so soon as the facts were placed before his (Mr. Sergeant's) eyes, in their native deformity, he would shrink from the measure as too detestable to be tolerated, and too dishonorable to be countenanced. I wrote to this effect to Mr. Sergeant the same day. Within a few days Mr. Wurtz had had letters from Harrisburgh, advising him that his name was fading from before the Governor, and expressing fears that he would not be appointed. This assurance had been so many, and diversified through so many channels, that he was thunderstruck, and knew not to what to impute the change, except to an under current which had been set in motion by the negotiations which had been on foot to saddle Mr. Fox with 2,000 dollars a year, on some one of the contemplated auctioneers, with which he Mr. Wurtz was well acquainted, although Mr. Bache had declined making the proposition to Mr. Wurtz, after it had been rejected by Messrs. Jennings and Steel.

Yesterday, the circular written under your authority by Mr. Sergeant, announcing the persons selected to be commissioned as auctioneers, was made public in this city. So soon as the name of Mr. Lisle was found among the number, Mr. Wurtz and his warm personal friends did not hesitate to ascribe his rejection to an intrigue to get 2,000 dollars a year for Mr. Fox. I feel assured, and I have assured all who have talked to me on the subject, that you were entirely ignorant of any proposition made to any of the applicants, which was connected with Mr. Fox—that I had not a doubt but you would the moment it was known to you, express your marked disapprobation of any such proceedings; and further, that you would now do all which it was in your power to do, to express your indignation, by at once absolving Mr. Lisle from any obligation he may consider himself under to give Mr. Fox \$2,000 a year. To enable you to do what appears in your judgment right and proper, I have laid the whole of the facts before you. Permit me to remark, that in doing this, I know the responsibility I take, and the enmities I incur; but a sense of duty impels me to the disclosure. Your own standing is at stake—I act the part of a faithful friend, in making the effort to snatch you from the precipice, to the edge of which I believe you have been led blindfold. The stronger the language I use, the more

certain you may be, that my feelings, and friendships, and principles are awakened. I owe this statement to you, to the integrity of the party, and to my own honor. I would wish it to be by you, distinctly understood that I offer no objection to the appointment of Mr. Lisle, except what arises out of the presumption that it originated in corruption; that a public knowledge of it is inevitable; and that that knowledge may be attended with consequences I should greatly deprecate. Mr. Lisle is my friend, a democrat, and a highly respected and respectable citizen. I write not to object to any individual whom you have been pleased to nominate; but to apprise you of the facts as they are; and in sincerity of heart towards you, and zeal for the party, to suggest, that you owe it to yourself, to the party, who placed you in authority, and to the commonwealth, to make manifest your disapprobation of any act or thing which bears corruption, or bargain and sale stamped upon its forehead.

Let me advise that you authorise me, or whom you please—but authorise somebody, to disavow your knowledge of any condition being attached to the commission which you are about to issue in favor of Mr. Lisle.

I am sincerely your friend.

Signed

JOHN BINNS.

WM. FINDLAY, Esq.

I have written this amid the talk of friends in my office, and I hand it without reading to my brother to transcribe

No. XXVI.

Harrisburgh, March 30th, 1818.

DEAR SIR,

I this morning received your letter, of the 27th instant, and duly appreciate the friendly motives by which it was dictated.

The applicants for the office of auctioneer were so numerous, and the moral character and political standing of many of them so respectably recommended, that it imposed an unpleasant task upon me to discriminate between them; and I was fully aware that no selection could be made, that would not produce disappointment, or

that would pass without censure. These are consequences which no sagacity or foresight could avert. There are severeral applicants rejected, that it would have afforded me pleasure in gratifying ; but this I could not do, unless I possessed a power of making the parts greater than the whole.

I am ready to confess that I entertained for Mr. Wurts's character, as well as for many others that were proposed for auctioneers, a very favorable opinion, and may have repeatedly expressed this opinion in conversation with his friends ; and they, probably, may have drawn greater encouragement of the success of his application from the conversation than it warranted. But I assure you I never promised him the commission, nor stood in any manner pledged to him, as some of his friends have lately alledged.

It is not usual to assign reasons for the preference given between rival candidates ; but it may be done when they are not derogatory to the private characters of those who are excluded : and I shall in the same spirit of frankness and sincerity which your communication evinces, state them to you in the present case.

I was not informed till within a few weeks ago (but not by Mr. Fox, or any of his relations) that Mr. Wurts was in England during the late war, and it was insinuated that he went there for the purpose of mercantile speculation. That this was not the object of his visit I was very soon convinced, by the exhibition of testimony, that the sole object of his going thither was for the benefit of his health. Though this insinuation was satisfactorily refuted, still the fact of his being in England at that period remains uncontradicted, and that he is unmarried is equally certain.

He had several competitors, with wives and families, whose characters as far as I could learn, are equally respectable with his, and who remained in our country, and were either engaged or liable to be called into her military service. Among these was Mr. Lisle, as I am informed ; for I had no personal acquaintance with him before the last session of the Legislature. He was highly recommended from the city, and also by several country merchants and members of the Legislature, who called upon me in person for the purpose ; and moreover, it is notorious that he was selected last fall as a democratic candidate for the House of Representatives, and had more votes than any other on the ticket. By a deliberate consideration of these circumstances, and their probable operation on the public mind, I as their agent in the case, was induced to give a preference to Mr. Lisle. These are the grounds upon which I decided, and not by the influence of any undercurrent, set in motion by Mr. Sergeant, as is alledged. He, on the contrary, though I think him generally too reserved in giving his opinion on appointments, uniformly recommended Mr. Wurts as one that ought to be appointed an auction-

eer. Before I made the decision, I stated these grounds to several gentlemen, whose opinions I deemed worthy of respect, without mentioning names; and their opinions, without an exception, accorded with my own. I also, in some instances, mentioned the names of the gentlemen in question to some of those that I knew to be friendly to Mr. Wurts; and as well as I can recollect, there was but one that did not admit but what the circumstances preponderated in favor of Mr. Lisle. There is one gentleman in particular, to whom I understand a circular is to be addressed by Mr. Wurts on the subject, told me that nine out of ten in the country would, after being fully acquainted with the circumstances, not only approve but applaud the decision I had made.

It has been intimated to me, by others, that I had understood that Messrs. Jennings and Lisle were to enter into partnership. It is true that Mr. Jennings did inform me that he would be ready to accept of Mr. Lisle as a partner; but I never had an intimation from Mr. Lisle, that he was willing to form a partnership with Mr. Jennings. So far from this, that Mr. Lisle's application was not withdrawn, but pressed by his friends. A short time since a western merchant of great respectability called on me, and urged his appointment with much zeal and ability. Mr. Lisle, to be sure, had not a friend here, to importune me incessantly in his behalf; but this I considered as an indication of his modesty, and served to raise him in my estimation, instead of being received as an evidence of his having abandoned his pretensions to the office. But even if he had abandoned them, there was more than one applicant that would, upon the principles I have founded his preference, have excluded Mr. Wurts notwithstanding the good opinion I have entertained of him.

In reply to the last paragraph of your letter I can state, that in the notices which I requested the Secretary of the Commonwealth to give to the applicants that they would be appointed, no conditions were laid down, to my knowledge; and I can freely say that no condition will be attached by the Executive, or by his authority, to any commission that he shall issue. I must, at the same time, observe, that I had information that Mr. Lisle intended to take Mr. Fox, who was also an applicant for the office of auctioneer, as his chief clerk; but I do not know that he will do so. In this I cannot discover any impropriety, or ground of objection to the appointment of Mr. Lisle, if his merits entitled him to it; unless there be circumstances connected with it, of which I am not informed. From my knowledge of, and confidence in, Mr. Sergeant's integrity, and from the representations I have had of the character of Mr. Lisle, I would regret, if any thing passed between them, that would implicate the character of either, but which I can scarcely think possible.

If, however, it should hereafter be proved, what is now supposed by some that Mr. Lisle promised to give Mr. Fox a sinecure, in consideration of Mr. Sergeant's influence to obtain a commission for Mr. Lisle, I have no hesitancy in declaring that I shall manifest my disapprobation of it by decisive and unequivocal acts.

But at the same time I wish to be understood, that the declaration of an applicant for office, in case he should succeed, that he would take a particular person as a partner or chief clerk, I do not consider as a ground of exclusion from office. If this would be deemed a valid ground, it would be sufficient to exclude several who are, as well as others that expected to be appointed; and indeed, it would be prescribing conditions, to say that a particular person should not be taken as a clerk. I have received several letters from your city, intimating that a legislative enquiry is to be instituted on the subject. This intimation is neither calculated to intimidate nor persuade me to deviate from what I have done. On the contrary, it will afford me pleasure, at all times to have my official transactions reviewed and scrutinized by the Representatives of the people; and I feel no apprehension, but I shall be able to give such an exposition of the principles by which I have been governed in the present case, if they should think it falls within their province to examine them, as will meet their approbation; but if, in this I should be mistaken, I shall still have the approbation of my own judgment and conscience.

This is written for your own perusal only, and with this view I safely confide it to you. I have been obliged to write by candle light, and the scrawl is so unintelligible, that you would not be able to read it and must therefore have it transcribed by my son.

I am, sir, respectfully,

Your friend,

WM. FINDLAY.

Col. John Binns.

As I received a letter from Mr. James Harper, of a similar tenor of yours, I request you to shew this to him; and, after a tender of my respects, beg him to accept of the perusal of this, instead of an especial answer to his.

W. F.

No. XXVII.

Hg. March 3d, 1818.

DEAR BINNS,

You promised a report so far as the materials go in the case of the investigation. Do, pray make it and send it up, as quick as possible; if you can without losing a mail, send me a copy.

Y^rs, &c

No. XXVIII.

Philadelphia, April 16, 1818.

DEAR SIR,

By Mr. Wilson I had the pleasure to receive your letter of the 30th ultimo, I would have promptly acknowledged its receipt, but, that I had expected to have had some conversation with Mr. Sergeant on this subject. In this I have been mistaken, and I now embrace the opportunity of captain Hawkes going to Harrisburgh, to assure you that it gives me true pleasure to learn that you received my letter of 27th March, in the same frank and friendly spirit in which it was written. I am also gratified to find that my opinion was well founded and that you were wholly ignorant of any attempts corruptly to dispose of any office in the gift of the Governor. Not having seen, nor been consulted, as to any letter or letters which may have been written you on this subject, I do not feel concerned in their contents. Before leaving this subject, I would remark, that my letter was written without consultation with or being submitted to any body. My object is accomplished in having placed the facts before you. That is a duty I shall always feel bound to do so long, and I trust it will be very long, as principle and friendship unite us.

I devote but a few words to the bearer and his journey. I cannot express to you the universal astonishment excited by the removal of captain Hawkes, a soldier and a sufferer in the revolutionary war, and a democrat at all times. A most capable and excellent officer, and recommended in the most respectable manner.

So little expectation had any body, or Earle himself, of the removal of Hawkes, that Earle went to sea some days ago, and is now on his way for Liverpool; I therefore respectfully recommend and request the appointment of captain Hawkes as a man well deserving, well recommended, well qualified and whose appointment will be popular.

Sincerely and respectfully,

Your friend

JOHN BINNS.

WILLIAM FINDLAY, Esq.

No. XXIX.

It is true, one of the witnesses produced the president of the Harrisburgh Bank did state that the treasurer reported \$12,797 89, to be in bank at this place on the 30th August, 1817; and that the money was not there at the time, nor until September following.

The committee on hearing this statement, naturally had recourse to the books of the bank to test its correctness; and on examination, they found it not to be true. The money alluded to was deposited in the bank, on or before the 30th August last, and so appears in the books of the bank, as well as in the bank book of the late state treasurer.

No. XXX.

Philadelphia, September 14th, 1818.

DEAR SIR,

This will be handed to your Excellency by our friend, captain Earle, who was so unfortunate as to have gone to sea, when you forwarded him a commission as Harbor Master of this port; he is returned a few days since, and it would be doing him an act of great kindness to give him a new commission; he stands in need of something in that way, as he begins to get frail, and going to sea does not very well agree with him. There can be no good reason

for continuing captain Hawkes, as he still acts as surveyor of the port under the United States, and I have no doubt on my mind that the spirit of both the constitution and laws, are against his holding offices under both governments at the same time; he likewise collects wharfage for individuals, and can do very well without the office of Harbor Master, and I do believe it will be more pleasing to appoint captain Earle, as he only was disappointed in not getting the commission by accident, than to continue captain Hawkes, who does not stand in equal need, or has any preferable claim.

I am, sir, very respectfully,

Your friend and obedient servant,

ALEXANDER WILSON.

His Excellency, WILLIAM FINDLAY, Governor of the Commonwealth!

No. XXXI.

To his Excellency, William Findlay, Governor of the Commonwealth of Pennsylvania.

SIR,

After returning you our sincere thanks, for the appointment of our worthy friend, captain Caleb Earle, Harbor Master for the port of Philadelphia, we take the liberty of informing you that circumstanced as he was, he was under the necessity of accepting a situation to go a short voyage to Liverpool, which probably will take him three months, or thereabouts, he having performed a voyage to the same place in less time—he left the Capes on Saturday last. If your Excellency would be so kind as to appoint captain Norris Stanley to perform the duties of that office till captain Earle returns, a singular favor would be rendered to him, his amiable family and us, his sincere friends. Captain Stanley is known to us as a man of integrity and well wisher to our cause, and has kindly offered to perform the duties of the office till captain Earle returns.

We are, sir,

With great respect,

Your Excellency's friends,

Paul Cox,

James Josiah,

John Ashmead,

Wm. M'Faden,

Chandler Price,

G. Conyngham,

John M'Cauley,

William West,

Joseph Reynolds,

Levi Garrétt,

Joseph Tagert,

Ebenezer Ferguson,

Thomas W. Briggs,

John Crowley.

} Wardens of the Port.

Philadelphia, April 16, 1818.

No. XXXII.

Philadelphia, Oct. 31, 1816.

DEAR SIR,

The case of capt. C. Earle, to which the enclosed documents refer, is to me very interesting, on the score of humanity and justice. For my part, I cannot conceive any good reason why the Governor should not give this old, honest and unfortunate patriot a new commission, in lieu of the one which was made out for him a few days after *despair of success and absolute indigence* induced him to accept a trifling command in an old vessel bound for Liverpool. The Governor, I am confident, would not wittingly countenance intrigue. I do therefore trust that he will, by a prompt confirmation to the captain of the beneficence intended by the commission, issued in his favor too late,* render abortive the despicable management which, it appears to many of the Governor's best, but not most vociferous friends, has been practised in defeating the captain's application, in a very palpable manner. In this business, opposition is *now* sneakingly carried on against Earle by the same persons who aided his competitor, Mr. Hawkes, in the *first* instance. Men who bawled lustily for rotation in office until they were served themselves, can now *cant* about taking the bread out of their neighbour's mouth:—Such characters I despise, and such are some of those who are using their influence with the Governor to prevent him from doing an act of *consistency* and justice for captain Earle. Notwithstanding assertions to the contrary, by captain Earle's enemies, I can assure you that he is a sound democrat, and that his services and sufferings, during the revolutionary war, fairly deserve a *cut* from the public loaf. My authority for this declaration is derived from captain Paul Coxe, the democratic patriarch of this city, whose name is at the head of the enclosed address to the Governor, which, with a certificate showing Mr. Hawkes to be an officer under the United States, while he is harbour master of the port of Philadelphia, you will please to forward to the Governor as speedily as possible. You, and James Humes, esq. will do me a very particular favor by representing, in a joint letter to the Governor, that he would do a just, meritorious and *popular* act, in giving to captain Earle the appointment he asks. Among the subscribers to the enclosed *brief*, are some of the most respectable men in this city.

I am, sir, very respectfully,

Your friend and ob't. serv't.

JAMES HOUSTON.

GEORGE B. PORTER, Esqr.

* He sailed before the commission reached Philadelphia.

No. XXXIII.

Lancaster, Nov. 2d. 1818.

His Excellency WILLIAM FINDLAY, Esq.
Governor of Pennsylvania.

SIR,

I this morning received the enclosed letter and recommendation of captain Caleb Earle for a commission as harbour master of the port of Philadelphia. Why they should have been forwarded to me I am at a loss to say :—but as they have been sent to me, it becomes my duty to forward them to you ; and in compliance with the request of our mutual friend, Mr. James Houston, I will add my opinion and knowledge on the subject.

When in Philadelphia last, I heard this subject frequently spoken of, and all regretted that captain Earle was absent when you sent him a commission last spring ; but accounted for it by saying that he was *so poor* that he was glad to do any thing for a living ; and being told, by several persons who had been at the seat of government, that he stood no chance of being appointed, he accepted a *little* command in a vessel going to Liverpool. His friends say, that much management was made use of to convince him that he would not be appointed, and get him out of your way ; and therefore think, now that he has returned, he should be appointed.

No doubt can be entertained of his being capable to discharge the duties of the situation applied for, and from the good character I heard of him, and his poor situation, as well as from the enclosed highly respectable recommendation, his appointment would no doubt give general satisfaction. It appears that Mr. Hawkes, the present incumbent, has enjoyed the situation for a length of time, and from the within certificate of Mr. Caldwell, (clerk of the United States court,) that he holds another profitable appointment:—He therefore could not justly complain at the appointment of captain Earle : and taking the latter's case, recommendation, &c. seriously into consideration, I should be glad if you could think it right to appoint him.

I am in haste,

Very respectfully,

Your friend and humble serv't.

G. B. PORTEE.

No. XXXIV.

Lancaster, Nov. 2d, 1818.

DEAR SIR,

From a personal acquaintance with the within-named captain Earle, I know him to be an honest, upright, correct man, and from the character I have heard of him in Philadelphia, I am of opinion his appointment to the office asked for would give general satisfaction. The present officer, it appears, has held the office for many years, and has another office of considerable profit, by which he can live. Captain Earle is poor and old, and of course cannot expect long to enjoy any of the favors of this world. I am therefore of opinion that captain Earle should have the office, and would be pleased should you grant him the commission.

I am in haste,

Respectfully, your friend,

JAMES HUMES.

His Excellency WILLIAM FINDLAY, *Governor.*

No. XXXV.



John Mease, William Hawkes, and Arthur Statesburg, are the Surveyers, appointed by Judge Peters, to survey damaged Vessels and their Cargoes.

D. CALDWELL, *Clk.*

27th Oct. 1818.

*Philadelphia, 27th October, 1818.**His Excellency*WILLIAM FINDLAY, *Governor, &c.*

SIR,

Capt. Caleb Earle having sailed for England, before his commission for the office of harbour master for the port of Philadelphia was made out, was necessarily deprived of the benefits thereby intended

to be conferred upon him. This circumstance we extremely regret, and therefore do respectfully request, that you will place him in the situation from which he was excluded, by an event unknown to you at the time the commission aforesaid was issued. We believe that captain Earle is a man of integrity, intelligence and industry, and highly esteemed by many of the most respectable shipping merchants in this place.

Should he be appointed to the station he solicits, we are confident that he will fill it to the satisfaction of those citizens whose interest is connected with an impartial performance of its duties.

Most respectfully, &c.

John Steele,
F. Markoe,
James Stewart,
J. Workman,
John Thompson,
Joha Savage,
John Goddard,
Robert Ralston,
John Bohlen,
Henry Roland,
Levi Garrett,
Joseph Reynolds,

Paul Cox,
James Josiah,
G. Conyngham,
John Thoburn,
Chandler Price,
W. Jones,
James Houston,
Stephen E. Fotterall,
Silas E. Wier,
John Coulter,
William West.

No. XXXVI.

Extract of a letter from the Governor of Pennsylvania, to a gentleman in Philadelphia, dated

Franklin county, August 16, 1819.

“In relation to the report of my having improperly guaranteed for my brother’s house in Baltimore, I shall, agreeably to your request, state the facts in the case, as well as my recollection may enable me.

About two years since, my brother intimated to me, that from the dispersed situation of the funds of his house, he was apprehensive that they would be subjected to temporary pecuniary embarrass-

ments. This intimation was reiterated in the winter of 1818, accompanied by a request that I would give the house a letter of credit or guarantee to some mercantile friend in Philadelphia; stating to me at the same time that an advance of money would not be asked, and that the arrangement contemplated would only require confidence to be reposed in their punctuality.

I had not an extensive acquaintance with mercantile gentlemen in the city; but I addressed a letter to one whom I had known for some years, in which I mentioned the wish of my brother; confessed my ignorance of the details or means by which it was to be accomplished, and suggested that if his explanation of the proposed arrangement should prove satisfactory, I should consider a compliance as a favor, and that I would guarantee the engagements of the house to any amount not exceeding ten thousand dollars. This letter I transmitted to the care of my brother.

As I inherited but a moderate estate, and never made any considerable accessions to it, I deemed it prudent to limit my guarantee to my ability to pay, in case the house should prove unfortunate, to which all concerned in trade are liable.

A day or two after I had forwarded the letter, it occurred to me, on reflection, that the gentleman to whom it was addressed, being an applicant for the office of auctioneer, might be induced to put himself to some inconvenience to comply with my request. To prevent this, I addressed a second letter immediately to himself, in which I referred to my former letter; repeated the request it contained; but gave him to understand that it was not expected that the circumstance of his application for office would have any influence on his mind in deciding on my brother's proposed arrangement with him.

The house, as I am informed, did not draw a bill on this gentleman, but transmitted him my letter, and inquired whether it would be convenient to comply with the proposition. He replied in the negative, and I thought no more of the subject. I saw no impropriety in the proposition, nor any in his refusing to accede to it. He was subsequently appointed to office.

In the ensuing spring or summer, my brother formed such an arrangement as he had wished, and at his request I became guarantee for the house. I had not at that time, and I believe he had not, the most distant idea that the house would suspend payment, which existing commercial difficulties compelled them to do.

In accordance with his offer, when he first applied for the use of my name, my brother has secured me for the amount of the guarantee by a mortgage on real property in this state; and if I had not this security, I believe that I should not incur any loss, as I am ad-

vised that after paying all their debts, the house will have a surplus."

No. XXXVII.

Harrisburgh, March 25, 1818.

DEAR SIR,

Since sealing my other letter, I have been talking to the Governor about the remaining city appointments. He says you promised to write him whether S. Geyer was to have a place in the custom house. Pray, let me know how the matter stands, for if not, I presume Geyer will, without difficulty be reappointed.

I shall leave here, I expect, on Wednesday next. I wish you would answer this as quickly as possible, as the whole appointments ought now to be closed. Piper's will remain, however, till the four months are expired.

S. Reynolds mentioned your desire to have the journals. Owing to Peacock's removing his office, they will not be completed for ten days. I will leave word for them to be sent you. You make an important part of the last two days, which were very warm work.

Your's, sincerely.

Col. JOHN BINNS.

No. XXXVIII.

Harrisburgh, January 28, 1818.

DEAR SIR,

It has been intimated to me by my brother Thomas, of the house of Finley & Vanlear, of Baltimore, that it would be of great advantage to their house, if they could occasionally raise money by drafts on Philadelphia, and that this object might be accomplished, without the house, on which the drafts might be drawn,

being under the necessity of advancing money, that confidence in their punctuality is all that would be necessary. As a means for the procurement of this advantage, he has requested from me a letter of introduction to some house in your city with which I may be acquainted.

It is a business with which I confess I am not at all acquainted; but, if he be able satisfactorily to explain it to you, I trust that you will be ready to afford to him your good offices; and there is none, who have it in their power to confer this favor, to whom I would more willingly apply. They are considered, where best known, a safe house: and, in addition to the security which their considerable wealth and high credit will afford you, and in order that you may incur no risk, I do hereby guarantee the payment of any sum you may accept from them, not exceeding ten thousand dollars. This limitation is fixed, only from the consideration, that all concerned in trade are liable to disaster, and my ability to pay, in case my friends should be unfortunate.

Your compliance will confer obligations, upon, sir, your most obedient servant,

WILLIAM FINDLAY,

Mr. John Jennings, Merchant.

No. XXXIII.

Harrisburgh, February 24th. 1818.

My Dear Friend,

I arrived here yesterday evening and entered to proceed on my journey in the stage, as far as Shippensburgh, early in the morning. I find it unnecessary to remain here any longer, having done all that I could do. I go from here pretty well satisfied that matters will be settled agreeably to my wishes; I have that assurance. As for yourself I cannot say with certainty what may be the result; that you will, at all events, be remembered as we had heard in the city, joined with Jennings. I have no doubt great pains have been taken to make an impression that this arrangement would satisfy you. How far I have succeeded in removing this idea, I cannot pretend to say. I flatter myself that I have, with the aid of Mr. Bryan, been able to accomplish it, if so, I have but little doubt of your success. I am happy of having it in my power to assure you that Matthew may rest contented; you are at liberty to commu-

nicate this to him; at the same time prudence would suggest the propriety of saying as little as possible in regard to appointments.

I have had a long conversation with Mr. Sergeant, who urges me to another interview before I go. The business of my own county, and Matthew's, I considered fixed. Your case will induce my again calling. Excuse these lines written in great haste. Give my best respects to Mrs. Lisle, Mr. and Mrs. Smith.

Yours affectionately,

DAVID ACHESON

JOHN LISLE, Esq.

No. XL.

Harrisburgh, 11th March, 1818.

Dear Sir,

I am much obliged by your attention to my request about the tiles—I was aware that the enquiry might be unsuccessful.

On the subject of the auctioneers I had some conversation with the Governor yesterday—he expressed himself in a way which induces me to think he is extremely embarrassed. He said he should await the issue of the bill now progressing in the house of representatives. This bill forbids the association with a commission merchant. In the event of this bill becoming a law, some of those now expecting a commission might refuse to accept. (I could see no use in further urging your claim, nor do I see that any good or ill can arise from another visit by you here—his mind I think is made up and the persons fixed). If the bill in question becomes law, you may easily conceive the confusion it will occasion among the sanguine applicants.

Very truly, yours,

GEO. BRYAN.

JOHN LISLE, Esq.

(Answered April 18.)

No. XLI.

WHEREAS my brother Thomas Findlay, has executed a mortgage to me, my heirs and assigns, on a certain tract or parcel of land, situated in the county of Franklin, in the state of Pennsylvania, which by reference to the records of the said county, will fully appear. Be it known therefore, that I hold the said mortgage for the use of John Lisle, esquire, of the city of Philadelphia, his heirs, executors, administrators and assigns, as a security for any debts due him by the house of Finley & Vanlear, of Baltimore.

Given under my hand, the 30th day of August, 1819.

WM. FINDLAY.

I do hereby agree the mortgage within mentioned, shall be held for the joint benefit and security, pro rata, of myself and Robert Taylor, Esq. he, as well as myself, having the guarantee of William Findlay, Esq. for certain advances made to the house of Finley & Vanlear, of Baltimore.

Philadelphia, October 16, 1819.

JOHN LISLE.

No. XLII.

Dr. B.

I have at last become the drafter of the investigating report, so I have work enough. B. has sent up a serviceable portion. Several matters have since been inquired into and turned out more for F's advantage than the contrary. They related to a draft by a bridge company on the T. purchased up by the branch bank, (on account of state subscription for stock,) for depreciated paper, for which they insisted on par money, and the treasurer refused for four months. It was a speculation by the bank, on the commonwealth, and properly resisted. It will tend to expose some very extraordinary manœuvring in the bank officers. The other was monies deposited in Philadelphia, and drawn for by F. and in lieu a credit obtained in the branch bank here, and monies paid over to state creditors in country paper. at the bank, without his knowl-

edge, and without their objecting (on F's checks), there is nothing in this either. Darragh and Morgan are here; Morgan knew nothing but hearsay of T. Acheson, and that was rejected. Darragh was examined and proves the old matter, but is contradicted in some facts he swears to. M'Glinsey has written a letter inclosing this printed statement, and says, "as the general tenor of the paragraph alluded to, does not in my opinion in any shape, implicate the misconduct of Mr. Findlay—nor does my knowledge extend to any thing that does; I hope that this will plead sufficient excuse for my not appearing before the committee:" Dated Philadelphia, March 7.

The lower house has agreed to adjourn the 24th.

The bill imposing one per cent additional auction duties, to be applied to the Schuylkill Navigation Company, has passed the 3d reading in the house of representatives.

I have written to Binns matter, which you can see, and he can use M'Glinsey's letter in this, and perhaps the rest of the above.









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